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SEVEN VOLUMES.

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PLUMSTEAD COMMON CONSERVATORS

TO

PUBLICANS' CERTIFICATES (SCOTLAND).

Session

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to

PUBLIC AND CERTIFICATE (VOL. 1)

Session

1877-1878

VOL. V

1877

B I L L S :

1877.

SEVEN VOLUMES:—CONTENTS OF THE FIFTH VOLUME.

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SCHEDULE.

A
B I L L

FOR

Vesting the Management of the Open Spaces known as Plumstead Common, in the county of Kent, in a body of Conservators, with a view to the preservation thereof; and for other purposes.

A.D. 1877.

WHEREAS there is in the county of Kent and in the parishes of Plumstead and East Wickham an open space of large extent uninclosed and unbuilt on, known as Plumstead Common (in which are included Bostal Heath and Shoulder of Mutton Green, and which is in this Act referred to as the "common") :

Preamble.

And whereas it would be of great local and public advantage if the common were always kept uninclosed and unbuilt on, its natural aspect and state being as far as may be preserved :

And whereas the common is situate within and is or is alleged to be part of the wastes of the manor of Plumstead :

And whereas the Provost and Fellows of Queen's College (herein-after referred to as the College) are or claim to be entitled in fee simple in possession to that manor as the lords thereof :

And whereas it is expedient that provision be made for the vesting of the common in a body of Conservators, to be constituted so as to represent both local and public interests, whose duty it shall be to keep the common for ever open and uninclosed and unbuilt on, and to protect the turf, gorse, timber, and underwood thereon, and to preserve the same for public and local use for purposes of exercise and recreation, and other purposes :

And whereas it is expedient that provision be made for the settlement of all pending disputes and matters in difference between the College, the commoners, the public, and all persons claiming any right in, over, or upon the common, or any part thereof :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

[Bill 129.]

A 2

A.D. 1877. and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,) —

Short title. 1. This Act may be cited as the Plumstead Common Act, 1877.

Certain parts of 10 & 11 Vict. c. 16. incorporated. 2. The Commissioners Clauses Act, 1847 (as far as the same is applicable for the purposes of and not inconsistent with this Act), 5 except the portions described in the First Schedule to this Act, is hereby incorporated with this Act.

Schedules to be part of Act.

3. The Schedules to this Act shall be deemed part of this Act.

4. In this Act—

Interpretation of terms.

The “deposited plan” means the plan deposited for the purposes 10 of this Act in the office of the Metropolitan Board of Works :

“The Secretary of State for the Home Department” means such of Her Majesty’s Principal Secretaries of State for the time being as Her Majesty is pleased to entrust with the Seals of the Home Department : 15

“The First Commissioner of Works” means the First Commissioner of Her Majesty’s Works and Public Buildings for the time being :

“Person” includes corporation, aggregate or sole.

Commons to be taken as shown on map.

5. For the purposes of the Act the common shall be taken to be 20 the open space known as Plumstead Common, with Bostal Heath and Shoulder of Mutton Green included, as the same are particularly described in this Act.

Conservators incorporated.

6. There shall be a body of Conservators for carrying this Act into execution, the full number of whom shall be *thirteen*, and who 25 are hereby incorporated by the name of the Plumstead Common Conservators, and by that name shall be one body corporate, with the perpetual succession and a common seal, and with power to take and hold and to dispose of (by grant, demise, or otherwise) land and other property (which body corporate is in this Act 30 referred to as the Conservators).

First Conservators.

7. The first Conservators shall be the following; (namely,) a person to be appointed by each of the three following authorities (if they respectively think fit), (that is to say,) the Secretary of State for the Home Department, the Metropolitan Board of Works, 35 the Vestry of the parish of Plumstead, the Town Council of Woolwich, and the Plumstead District Board of Works, and the following eight persons, that is to say, John Robert Jolly, Marwood Kelly Braund, John Cook, John Mountain French, Thomas Jones, the Reverend Haydn Williams, John De Morgan, and John 40 Friendship.

8. The first Conservators shall as a body hold office until the first Wednesday in April one thousand eight hundred and seventy-eight.

Duration of office of first Conservators.

9. If before the first Wednesday in April one thousand eight hundred and seventy-eight any vacancy happens among the first Conservators by death, resignation, or otherwise; another person shall be appointed to fill the vacancy as follows; (namely,) any successor (immediate or other) of the Conservators nominated by the Secretary of State for the Home Department or the Metropolitan Board of Works, the Vestry of the parish of Plumstead, the Town Council of Woolwich, or the Plumstead District Board of Works, shall be appointed by those several authorities respectively, if they think fit.

Vacancies among first Conservators.

Any successor (immediate or otherwise) of any of the first Conservators, other than those nominated as aforesaid, shall be appointed by the Conservators under their common seal.

Every person so appointed to fill a vacancy shall for the purposes of this Act be deemed one of the first Conservators.

10. The Conservators other than the first shall be appointed and elected as follows; (namely,)

Constitution of Conservators.

Five shall be appointed by the following authorities, if they respectively think fit; (that is to say,)

One by the Secretary of State for the Home Department.

One by the Metropolitan Board of Works.

25 One by the Vestry of the Parish of Plumstead.

One by the Woolwich Local Board of Health.

One by the Plumstead District Local Board of Works.

Eight shall be elected as in this Act provided.

11. With respect to appointed Conservators the following provisions shall have effect; (namely,)

Provisions relating to appointed Conservators.

(1.) An appointment of the several Conservators shall be made before the first Wednesday in April one thousand eight hundred and seventy-eight, if the authorities aforesaid respectively think fit.

35 (2.) The powers and functions of the Conservators so appointed shall commence on that day.

(3.) Each vacancy in the office of Conservator may be filled up by an appointment made by the authority who appointed the outgoing Conservator.

40 (4.) Each appointment of a Conservator shall be determinable at any time by the authority appointing him, and subject

A.D. 1877.

thereto, and to the other provisions of this Act, shall be operative three years and no longer.

- (5.) An outgoing Conservator shall be capable of re-appointment.
- (6.) Each appointment of a Conservator shall be notified in 5 writing to the clerk of the Conservators.

Provisions
relating to
elected Con-
servators.

12. With respect to elected Conservators the following provisions shall have effect; (namely,)

- (1.) An election of Conservators shall be held before the *first Wednesday in April one thousand eight hundred and 10 seventy-eight*, and the first Conservators shall be eligible.
- (2.) The powers and functions of the Conservators so elected shall commence on that day.
- (3.) They shall remain in office as Conservators until the first Wednesday in April in the third year after that day, and 15 no longer.
- (4.) Within three months before the expiration of that period of three years another election shall be held of Conservators to act in the place of the persons first elected.
- (5.) The powers and functions of the persons elected at the 20 second election shall commence on the first Wednesday in April next following their election.
- (6.) They shall hold office as Conservators until the first Wednesday in April in the third year after their appointment, and no longer. 25
- (7.) The following provisions, *mutatis mutandis*, shall have effect in and for every subsequent period of three years.
- (8.) Every person going out of office under this section shall be re-eligible.

Qualification
of electors.

13. The persons for the time being rated to the poor rate in respect 30 of property in the parish of Plumstead and East Wickham shall be qualified, and no other person shall be qualified, to be electors of Conservators.

Scale of
voting.

14. Every elector shall have one vote and no more.

Time, mode,
&c. of elec-
tion.

15. The day, hour, and place of each election shall be appointed 35 by the Conservators, who shall publish at least *one month's* notice thereof, and the election and proceedings preliminary thereto and consequent thereon (including the form of appointment of proxies) shall, subject to the provisions of this Act, be regulated by byelaws made by the Conservators. 40

Qualification
of Conser-
vator.

16. No person but an elector shall be eligible at any election.

17. A person other than an outgoing Conservator shall not be eligible at any election unless *fourteen clear days* at least before the day of election he has been proposed by an elector and seconded by another elector, by a joint writing under their hands, delivered or sent by registered letter to the office of the Conservators. A.D. 1877.
Delivery of names of candidates.
18. Before each election the Conservators shall publish the names of the candidates, and such publication shall be completed *seven clear days* at least before the day appointed for the election. Publication of names of candidates.
19. At every election the Chairman of the Conservators, or in his absence another Conservator nominated by him in writing, shall be the returning officer. Returning officer.
20. At every election every elector shall be entitled to give, either personally or by proxy, the vote or the whole number of votes which he has under the scale aforesaid or any less number of votes distributively to as many candidates as there are Conservators to be elected, but not to cumulate votes on any candidate, and the election shall be determined by a majority of votes of the electors voting. Voting at election.
21. If at any election there is an equality of votes for two or more candidates to fill one vacancy, the election shall be determined by lots publicly drawn by the returning officer. Provision for equality of votes.
22. The returning officer shall according to the best of his judgment and ability make under his hand a return to the Conservator of the persons elected, and every person so returned shall be deemed duly elected. Return of persons elected.
23. No act of the Conservators shall be invalidated or be illegal by reason of there being any vacancy among the Conservators, or by reason of any irregularity in the appointment or election of any Conservator, or by reason of any person not qualified or ceasing to be qualified acting as Conservator, or by reason of any failure or omission in or about any appointment or election, or in or about any matter preliminary or incidental thereto. Error, failure, &c. in elections or appointments not to vitiate acts done.
24. Expenses incurred by the returning officer or otherwise by or on behalf of the Conservators in relation to elections shall be paid by the Conservators. Expenses of elections, &c.
25. In any of the following cases an elected Conservator shall cease to be such, and his office shall be vacant; (namely.)
 If he becomes an appointed Conservator :
 If he is absent from all meetings of the Conservators for twelve months consecutively :
 If he ceases to have the qualification required for election. Offices of elected Conservators vacated.

A.D. 1877.

Supply of
casual
vacancies.

26. Whenever a vacancy occurs amongst the elected Conservators by the death or resignation of one of them, or in any one of the manners in the Act mentioned, the remaining Conservators shall convene a special meeting of the electors in the same manner and subject to the same provisions as herein-before mentioned with regard to ordinary elections, and the person elected at such special meeting shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office. 5

Provisions
respecting
meetings, &c.

27. The provisions of the Commissioners Clauses Act, 1847, incorporated with this Act, shall apply to the Conservators as a body 10 and severally, subject and according to the following provisions; (namely,)

- (1.) In section eight the term "insolvent" shall be taken to include a person who compounds with his creditors by deed or otherwise. 15
- (2.) With reference to section thirty-six, the day for the first meeting of the Conservators shall be the second Wednesday after the passing of this Act, and the place and hour shall be appointed by any three of the first Conservators by writing under their hand. 20
- (3.) With reference to section thirty-nine, the prescribed number constituting the quorum of the Conservators shall be five.
- (4.) With reference to section forty, the annual meeting of the Conservators shall be held on a day to be from time to time appointed by byelaws of the Conservators, and it shall be necessary for them to hold a meeting at least once in every three months. 25

Conservators
not to be re-
munerated.

28. No Conservator shall receive any remuneration or hold any office of profit under this Act. 30

Vesting of
common in
Conser-
vators.

29. The common, with the buildings and inclosures comprised within the ambit thereof as shown on the deposited plan, being thereon coloured green, with its rights, members, and appurtenances, is by this Act, as on and from the passing thereof, vested in the Conservators for all the estate and interest therein which immediately before the passing were vested in or belonged to the court leet, commoners, parishioners, freehold tenants, and the College, or any of them. 35

Common to
be kept open.

30. The Conservators shall at all times keep the common open, uninclosed, and unbuilt on, except as regards such parts thereof as are at the passing of this Act lawfully inclosed or built on, and 40

except as otherwise in this Act expressed, and shall by all lawful means prevent, resist, and abate all encroachments and attempted encroachments on the common, and protect the common, and preserve it as an open space, and resist all proceedings tending
 5 to the inclosure or appropriation for any purpose of any part thereof.

A.D. 1877.

31. It shall not be lawful for the Conservators, except as in this Act expressed, to sell, lease, grant, or in any manner dispose of any part of the common.

Prohibition
of alienation,
&c.

32. The Conservators shall at all times preserve, as far as may be, the natural aspect and state of the common, and to that end shall protect the turf, gorse, heather, timber and other trees, shrubs, and brushwood thereon.

Preservation
of turf, &c.

33. The Conservators shall not cut turf or dig gravel, mould, or soil, or fell or cut gorse, heather, timber or other trees, shrubs, or brushwood, on the common for profit, except subject and according to such restrictions and regulations as the First Commissioner of Works from time to time prescribes, and all money received in respect thereof shall be carried to the conservancy fund under
 15 this Act.

Prohibition
of sale of
turf, gravel,
&c.

34. The Conservators shall by virtue of this Act have the following powers; (namely,) to regulate the rights of common and the use thereof; to drain, level, and improve the common, as far only as may be in their judgment from time to time requisite for the use thereof for purposes of health and unrestricted exercise and recreation, and to make temporary inclosures for the protection of the turf, or the better attainment of the objects aforesaid; to plant trees and shrubs thereon for purposes of shelter or ornament, and to make temporary inclosures for the protection of such trees
 25 and shrubs; to make and maintain such roads and ways thereon as may be in their judgment necessary or proper, and to maintain any existing roads and ways thereon, as far as the same may be obligatory on them or in their judgment expedient; to make and maintain thereon ornamental ponds.

Power to
drain, &c.

35. The Conservators may from time to time purchase by agreement or accept a grant of, and hold, any land having been or reputed to have been formerly part of or adjoining the common, and any such land when vested in the Conservators shall be for the purposes of this Act deemed part of the common.

Power to
purchase or
accept
lands.

36. Nothing shall be done affecting the common or the Conservators at any court of the manor of Plumstead without previous

Notice of
proceedings
at court, and

A.D. 1877.
protests by
Conser-
vators.

notice in writing to the steward of the manor, and on receipt of any such notice the steward shall communicate the same to the Conservators, and the Conservators shall thereupon be entitled, if they think fit, by an agent appointed in their behalf by writing under their common seal, to attend at the court to which the notice relates, 5 and to protest against anything there proposed that would affect them or the commons, and any such protest shall be entered on the rolls of the court.

Production,
&c. of court
rolls of
manor.

37. The College, their successors and assigns, shall, on every reasonable request in writing by the Conservators, and at the 10 expense of the Conservators, produce to them or their agents, or in any court or elsewhere, as occasion requires, the court rolls of the manor of Plumstead or any portion thereof, and make and furnish to them such true copies, attested or unattested, thereof, or of any portion thereof, as they require, and shall in the meantime keep 15 the same court rolls safe and undefaced, unless prevented by fire or other inevitable accident.

Certain lands
released from
commonable
rights.

38. In order that this Act may be a final settlement of all questions and claims connected with the lands formerly part of Plumstead Common delineated on the deposited plans, and coloured 20 otherwise than green thereon, those lands shall henceforth be and the same are hereby released and discharged from all commonable, customary, and other rights and claims (if any) of the commoners, but the Conservators may and they are hereby empowered to purchase all or any of their rights in, over, or affecting such lands, 25 and any such purchase may be effected under the provisions of the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Amendment Act, 1860.

Conservators
to exercise
rights of
commoners.

39. The Conservators shall be capable of taking, and may from time to time (if they think fit) take, any such proceedings as a 30 person having a right of common on the common or any part thereof is capable of taking; and for the purpose of any proceeding taken by the Conservators, they shall have all the rights, powers, and remedies of a person having such a right of common; but nothing in this Act shall be so construed as to prejudice or interfere 35 with any actions in respect of the commons now pending.

Mode of
raising
moneys by
rates.

40. The Conservators, for the purpose of paying their expenses of management, and other expenses of executing this Act, shall from time to time make application to the Metropolitan Board of Works for funds to enable them to defray such expenses, such funds to be 40 payable out of the general rate as in the Schedule to the Metropolitan Commons Act of 1866 provided; and any moneys received by

them from such body, or any of them, shall be carried to the account of a fund to be called the Plumstead Common Conservancy Fund. A.D. 1877.

41. The Conservators from time to time may receive subscriptions and donations in aid of their revenue, and shall carry the same to the Conservancy Fund, or shall, if the respective subscribers or donors so desire, apply the same for particular purposes of this Act. Subscriptions and donations.

42. The accounts of the said Conservators shall be audited by the auditor of the parish of Plumstead and one other auditor chosen by the Metropolitan Board. Audit of accounts.

10 43. The Conservators may from time to time, subject to the provisions of this Act, make byelaws for all or any of the following purposes; (namely,) Power to make bye-laws.

For the prevention of nuisances and the preservation of order on the common :

15 For the exclusion and removal therefrom of gipsies, hawkers, beggars, rogues, and vagabonds :

For the prevention of bird-catching, bird-trapping, taking of birds eggs or nests, or shooting or chasing of game or other animals thereon :

20 For the prevention of unauthorised persons from turning out or knowingly permitting cattle, sheep, or other animals to graze or feed or remain thereon :

For the prevention of the digging or taking thereon or therefrom of turf, sods, bog-earth, gravel, clay, or other substances :

25 For the prevention of the cutting, felling, or injuring thereon of gorse, heather, timber or other trees, shrubs, brushwood, or other plants :

For the prevention of injury to or the defacing or removing of fences, barriers, or notice boards, or other things put up by the Conservators thereon :

30 For the prevention of injury to or disfigurement of fences or trees thereon by the posting of bills, placards, or notices :

For the prevention of the placing thereon of any rubbish, manure, or other substance :

35 For the regulation of all assemblages of persons thereon, and of all sports and games played thereon :

For the prevention of unauthorised persons from passing over the common or any specified part thereof with vehicles :

40 Generally, for the prevention or restraint of any act or thing tending to the injury or disfigurement of the common, or to interference with the use thereof by the public for purposes of exercise and recreation.

A.D. 1877.

Confirma-
tion of bye-
laws by First
Commis-
sioner of
Works.

44. With respect to the byelaws of the Conservators the following further provisions shall have effect; (namely,)

(1.) Byelaws of the Conservators shall not have any force unless and until they are allowed by the First Commissioner of Works :

5

(2.) Bye laws shall not be allowed unless notice of the intention to apply for allowance thereof, stating the effect of this action, has been published by the Conservators *one month* at least before the application :

(3.) During *one month* at least before the application a printed copy of the byelaws to be submitted for allowance shall be kept at the office of the Conservators open for inspection by persons interested, and the Conservators shall furnish a printed copy thereof to every person applying for the same on payment of a sum not exceeding *one shilling* for each copy.

10

15

Penalties in
byelaws.

45. The Conservators may by any byelaws impose penalties for a breach thereof, to be recovered on summary conviction, not exceeding for any offence *five pounds*, and not exceeding for a continuing offence an additional daily penalty of *two pounds*, so as every bye-law imposing a penalty be so framed as to allow of less than the maximum penalty being ordered to be paid.

20

Printing and
sale of bye-
laws.

46. The Conservators shall cause all their byelaws, when allowed, to be printed, with the form of allowance, and printed copies thereof shall be sold at a price not exceeding *one shilling* a copy to all persons desiring to buy the same.

25

Proof of
byelaws.

47. A copy of the byelaws purporting to be made by the Conservators under this Act, and to be allowed by the First Commissioner of Works, and to be printed by direction of the Conservators, and to be authenticated by their common seal and the signature of their clerk, shall be *prima facie* evidence of the existence and contents of such byelaws, and of the due making and allowance thereof, without proof of such seal or signature or of any other thing.

30

Appoint-
ment of con-
stables.

48. The Conservators may from time to time appoint officers for securing the execution of this Act and byelaws thereunder, and may procure any such officers to be sworn in as constables.

35

Penalty for
assaulting
constables.

49. If any person assaults or resists, or aids or incites any person to assault or resist, any constable or officer of the Conservators, or other person, in the execution of his duty, or the lawful exercise of any authority under this Act or under any byelaw of the Conservators, he shall for every such offence be liable on summary

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conviction to a penalty not exceeding *five pounds*, without prejudice to any other proceeding or remedy against him. A.D. 1877.

50. For the purposes of enactments empowering the metropolitan police, the common shall be deemed a place of public resort, and the powers and duties of the metropolitan police in relation to public safety and preservation of order, and protection of property, shall extend thereto; but nothing in this Act shall extend the power of levying police rates to any person or property to which the same would not have extended if this Act had not been passed. Police authority over common.

51. Any constable or any officer of the Conservators, and all persons called by such constable or officer to his assistance, may, without any other warrant than this Act, seize and detain any person offending or having offended against this Act or any byelaw of the Conservators who shall fail to satisfy such constable or officer as to his true name or address, and such constable or officer shall convey him with all convenient despatch before a justice to be dealt with according to law. Arrest of transient offenders.

52. Proceedings with a view to the summary conviction of offenders under this Act or under any byelaws of the Conservators, or to the recovery of any rates, money, or expenses authorised to be recovered summarily, or to any other order to be made by justices under this Act or any such byelaw, shall be taken according to the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three), "to facilitate the performance of the duties of Justices of the Peace out of Sessions within England and Wales with respect to Summary Convictions and Orders," and section one hundred and ten of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign (chapter ninety-six), "to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences," shall authorise and apply to appeals in respect to such summary convictions and orders. Proceedings for summary convictions and appeals.

53. Where the Conservators are by this Act required to publish any notice, they shall do so by inserting the same as an advertisement in a newspaper published in the county of Kent, and by keeping the same at their office open for inspection by persons interested, and also by affixing the same at the church of St. Margaret's, Plumstead, wheresoever notices are usually affixed. Mode of publication of notices.

54. Nothing in this Act or any byelaw of the Conservators shall, except as in this Act provided, take away, abridge, or prejudicially affect any right of common, commonable or other like right of way, Saving for rights of common, &c.

A.D. 1877. — or other right in, over, or affecting the common, other than any right in, over, or affecting the same vested in or belonging to the College.

Saving rights
of the Col-
lege.

55. Nothing in this Act or in any byelaw of the Conservators shall take away, abridge, or prejudicially affect any estate or right 5 of the College in or over any of the waste lands of the manor of Plumstead, except the common.

The SCHEDULE referred to.

A.D. 1877.

THE FIRST SCHEDULE.

PARTS OF COMMISSIONERS CLAUSES ACT EXCEPTED.

- 5 Sections 12 to 16 (inclusive), relating to declarations to be made
by Commissioners, to penalties on Commissioners acting
without being qualified, and to Commissioners neglecting to
act.
- 10 Sections 17 to 35 (inclusive), relating to election and rotation of
Commissioners.
- 10 Section 54, relating to attendance at the office of the Commis-
sioners.
- Sections 96, 97, and 98, relating to the making of byelaws.
- Section 104, as far as it relates to the mode of recovery of damages
and penalties.

Plumstead Common Conservators.

A

B I L L

For vesting the Management of the Open
Spaces known as Plumstead Common,
in the county of Kent, in a body of
Conservators, with a view to the pre-
servation thereof ; and for other
purposes.

(*Prepared and brought in by*
Mr. H. T. Cole and Mr. H. B. Sheridan.)

Ordered, by The House of Commons, to be Printed,
11 April 1877.

[Bill 129.]

Under 2 oz.

A
B I L L

FOR

The Preservation of Plumstead Common.

A.D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 **1.** This Act may be cited as, "The Plumstead Common Preservation Act, 1877." Short title.

10 **2.** That the scheme for the establishment of local management with respect to Bostall Heath, situate in the parish of Plumstead, in the county of Kent, certified by the Inclosure Commissioners for England and Wales, under their seal, on the twenty-first day of December one thousand eight hundred and seventy-six, as confirmed by an Act of the present session of Parliament, entitled "An Act to confirm a Scheme under the Metropolitan Commons Act, 1866, relating to Bostall Heath," shall, subject to the provisions of this

15 Act, apply to Plumstead Common, in the said parish of Plumstead, as the said Plumstead Common is delineated in a plan deposited with the Inclosure Commissioners for England and Wales, anything in the said Metropolitan Commons Act, 1866, to the contrary notwithstanding.

20 **3.** The Metropolitan Board of Works is hereby empowered to institute any legal proceedings for enforcing the decree of the High Court of Chancery, made by the Lord Chancellor on the first day of August one thousand eight hundred and seventy-one, in a suit relating to the said Plumstead Common, instituted by John Warrick

25 and others against the Provost and Scholars of Queen's College, Oxford, as if the said Metropolitan Board of Works were an ascertained commoner, entitled to the benefit of the said decree.

30 **4.** The said Metropolitan Board of Works shall have the power of compulsory purchase of any estate, interest, or right in, over, or affecting Plumstead Common, in the same manner as is provided by section fifteen of the Metropolitan Commons Act, 1866.

[Bill 27.]

Bostall Heath scheme to apply to Plumstead Common.

Power to Metropolitan Board to enforce Lord Chancellor's decree.

Power to purchase rights.

A.D. 1877.

Power for
Crown to
surrender
rights to
Metropoli-
tan Board.

5. The provisions of the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, shall, so far as the same are not inconsistent with this Act, apply to the said Plumstead Common, and be construed with this Act, and section thirty-two of the said first-mentioned Act shall extend to the 5 granting or surrendering (in manner therein mentioned) by Her Majesty, her heirs or successors, from time to time, to the said Metropolitan Board of Works, of all or any part or parts of the rights which Her Majesty, her heirs or successors, may claim to have for the time being in, over, or affecting the said Plumstead 10 Common.

Saving of
right to take
gravel for
repair of
roads.

6. Nothing in this Act shall prejudicially affect the right of the highway authorities for the parishes of Plumstead and Woolwich to dig and take away gravel from Plumstead Common for the repair of the public paths and roads, but the Metropolitan Board may 15 from time to time appoint the place and manner of digging such gravel, so that no unnecessary disturbance of the common may arise therefrom, and such gravel shall not be taken from any part of Plumstead Common other than the place so appointed by the said Metropolitan Board of Works.

Plumstead Common Preservation.

A

B I L L

For the Preservation of Plumstead
Common.

*(Prepared and brought in by
Mr. Boord, Sir Charles Mills, Sir Charles Dilke,
and Mr. Goldsmith.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1877.*

[Bill 27.]
Under 1 oz.

A

B I L L

TO

Continue for one year the Police (Expenses) Act, 1875.

A.D. 1877.

- W**HEREAS by the Police (Expenses) Act, 1875, it is enacted that so much of any Act as limits the amount authorised to be contributed by the Commissioners of Her Majesty's Treasury out of moneys provided by Parliament towards the expenses of any police force in Great Britain to a particular amount, or a particular proportion of any annual sum or charge specified in such Act, shall, during the continuance of that Act, be repealed, and it was further enacted that that Act should continue in force until the first day of September one thousand eight hundred and seventy-six : 38 & 39 Vict.
c. 48.
- 10 And whereas by the Police (Expenses) Continuance Act, 1876, the said Act was continued in force until the first day of September one thousand eight hundred and seventy-seven :
- And whereas it is expedient that the said Act should be further continued for a period of one year :
- 15 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)
1. This Act may be cited as The Police (Expenses) Continuance Act, 1877. Short title.
- 20 2. The Police (Expenses) Act, 1875, shall continue in force till the first day of September one thousand eight hundred and seventy-eight. Continuance
of Act till
1st Sept.
1878.

Police (Expenses) Act
Continuance.

A

B I L L

To continue for one year the Police
(Expenses) Act, 1875.

(Prepared and brought in by
Mr. William Henry Smith and
Mr. Chancellor of the Exchequer.)

*Ordered, by The House of Commons, to be Printed,
20 July 1877.*

[Bill 259.]

Under 1 oz.

A

B I L L

TO

Provide for the Election by Ballot of Poor Law Guardians A.D. 1877.
in Ireland.

WHEREAS it is expedient to provide that in all contested elections for Poor Law Guardians in Ireland the poll shall be taken by ballot :

Be it enacted by the Queen's most Excellent Majesty, by and with
5 the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. From and after the *first day of March one thousand eight hundred and seventy-eight* in all contested elections for Poor Law
10 Guardians in Ireland the poll shall be taken by ballot.

2. Before the *first day of January one thousand eight hundred and seventy-eight* the Local Government Board of Ireland shall frame and issue a sealed order regulating the mode in which elections of Poor Law Guardians in Ireland by ballot shall be carried out, and
15 such sealed order may be varied or amended from time to time by the Local Government Board of Ireland by sealed order : Provided always, that every sealed order shall provide that the poll at an election for a Poor Law Guardian in Ireland shall be taken in the electoral division for which the Guardian is proposed to be elected.

20 3. The returning officer at an election for a Poor Law Guardian in Ireland may use, free of charge, for the purpose of taking a poll at such election, any room in any National school house, Constabulary barracks, or Court or Sessions house in Ireland which may be convenient for the purpose.

25 4. Every voter entitled to more than one vote may give such votes to one candidate, or may distribute such votes among the candidates as he may think fit.

5. This Act may be cited as "The Poor Law Guardians Election (Ireland) Act, 1877."

[Bill 46.]

From 1st
March 1878
votes at poor
law con-
tested elec-
tions shall be
taken by
ballot.

The Local
Government
Board of
Ireland shall
frame regu-
lations for
having votes
at poor law
contested
elections
taken by
ballot.

School
houses, con-
stabulary
barracks, &c.
may be used
for taking
the poll at
poor law
elections.

Cumulative
voting shall
be allowed at
contested
poor law
elections.
Title of the
Act.

Poor Law Guardians Elections (Ireland).

A

B I L L

To provide for the Election by Ballot
of Poor Law Guardians in Ireland.

*(Prepared and brought in by
Sir Colman O'Loughlen, Mr. Callan, Mr. Maurice
Brooks, and Mr. Dowling.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1877.*

[Bill 46.]

Under 1 oz.

Poor Law (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
 2. This Act and recited Acts to be construed as one.
 3. Extent of Act.
 4. Interpretation of terms.
-

PART I.

PAROCHIAL BOARDS.

5. Alterations on constitution of parochial boards; (1.) Where number of owners under 30; (2.) Where number of owners above 30; (3.) Constitution of parochial board may be altered after five years.
 6. Joint owners and occupiers.
 7. Temporary provisions.
 8. Term of office.
 9. Rotation of elected members.
 10. Occasional vacancies to be supplied.
 11. Vacancy in office of chairman to be supplied.
 12. Failure to elect not to invalidate.
 13. Parochial board may determine that committees shall hold office for three years.
 14. Parochial board declared a body corporate. "The Lands Clauses Consolidation (Scotland) Act, 1845," incorporated.
-

PART II.

COMBINATIONS.

15. Amendment of proviso to 8 & 9 Vict. c. 83. s. 16.
 16. Constitution of parochial boards in future combinations.
 17. Combination for special purposes.
-

Clause.

PART III.

POORHOUSES.

18. Parochial boards to provide poorhouse accommodation.
 19. Board of supervision to make regulations. Punishment for infraction of regulations, &c.
 20. Husbands and wives in poorhouses.
-

PART IV.

RELIEF.

21. Grounds of refusing relief to be certified.
 22. No outdoor relief to be granted in certain cases.
 23. Paupers may appeal against removal.
 24. Acceptance of relief to be equivalent to disposition and assignation.
-

PART V.

MEDICAL RELIEF.

25. Parochial boards to appoint medical officers.
 26. Where houses provided for medical officers, plans to be approved, and money may be borrowed for erection, &c. with consent of board of supervision.
 27. One half the cost of medical officers and medicines to be paid by Treasury. Board of supervision to frame regulations.
-

PART VI.

GENERAL PROVISIONS.

Children.

28. No child to be long detained in poorhouse.

Blind or Deaf or Dumb Persons.

29. Parochial Boards may provide for maintenance and instruction of blind, deaf, or dumb persons.

Settlement.

30. Settlement of children born in poorhouses.
31. Settlement by five years residence to be lost only by six years absence.

Clause.

Audit and Accounts.

- 32. Accounts of parochial boards to be audited.
- 33. Appointments of auditors.
- 34. Provisions for audit.

Miscellaneous.

- 35. Parochial boards may grant superannuation allowances to poor law officers.
- 36. Repeal of 8 & 9 Vict. c. 83. s. 56. Removal of medical officers, inspectors, &c. only by board of supervision.
- 37. Provisions of 8 & 9 Vict. c. 83. s. 80. to be extended.
- 38. Appointment of general superintendents.
- 39. Annual returns to be made by assessors.
- 40. Power to cancel or vary any minutes, &c.
- 41. Saving constitution of Glasgow Barony Parochial Board.

Procedure.

- 42. Summary proceedings for offences.
- 43. Recovery of penalties.
- 44. Saving of proceedings.

SCHEDULE.

A

B I L L

FOR

The further Amendment and better Administration of the A.D. 1877.
Laws relating to the Relief of the Poor in Scotland.

WHEREAS an Act was passed in the eighth and ninth years of 8 & 9 Vict.
the reign of Her present Majesty, intituled “An Act for the c. 83.
“ amendment and better administration of the laws relating to the
“ relief of the poor in Scotland :”

5 And whereas another Act was passed in the nineteenth and 19 & 20 Vict.
twentieth years of the reign of Her present Majesty, intituled c. 117.
“ An Act to amend the law relating to the relief of the poor in
“ Scotland :”

And whereas another Act was passed in the twenty-fourth year 24 Vict. c. 18.
10 of the reign of Her present Majesty, intituled “An Act to make
“ provision for the dissolution of combinations of parishes in Scotland
“ as to the management of the poor :”

And whereas another Act was passed in the twenty-fourth and 24 & 25 Vict.
twenty-fifth years of the reign of Her present Majesty, intituled c. 37.
15 “ An Act to simplify the mode of raising the assessment for the
“ poor in Scotland ;” and it is expedient that such Acts should be
amended :

Be it enacted by the Queen’s most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
20 and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

1. This Act may be cited for all purposes as “The Poor Law Short title.
(Scotland) Amendment Act, 1877.”

2. This Act and the said recited Acts as amended by this Act This Act and
25 shall be construed as one Act. recited Acts
to be con-
strued as one.

3. This Act shall apply only to Scotland.

[134.]

A

Extent
of Act.

A.D. 1877.

Interpreta-
tion of terms.

4. The following words and expressions when used in this Act shall have the meanings herein-after assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say,

“ Parish ” shall include a combination of parishes : 5

“ Combination ” shall mean a combination of parishes :

“ The Poor Law Acts ” shall mean the recited Acts, and any Act amending the same :

“ The Valuation Acts ” shall mean the Act passed in the seven-
teenth and eighteenth years of the reign of Her present Majesty, 10
chapter ninety-one, and any Acts amending the same :

“ The Lunacy Acts ” shall mean the Act passed in the twentieth
and twenty-first years of the reign of Her present Majesty,
chapter seventy-one, and any Acts amending the same :

“ Burghal parish ” shall mean a parish the whole of which is 15
within the boundaries of a burgh :

“ Lands and heritages ” shall have the meaning assigned thereto
in the Valuation Acts :

“ Valuation roll ” shall mean the valuation roll made up under
the provisions of the Valuation Acts and in force for the time 20
being :

“ Inspector ” shall mean inspector of the poor.

“ Poor law officer ” shall mean and include medical officer,
inspector or assistant inspector, governor or matron of a
poorhouse, collector, and any other person who shall be 25
employed, whether in one or more of the above-mentioned or
any other characters, in any parish or combination or in any
poorhouse formed under a combination for poorhouse purposes,
in carrying into execution the Poor Law Acts.

PART I.

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PAROCHIAL BOARDS.

Alterations
on constitu-
tion of
parochial
boards.

5. With respect to the constitution of the parochial boards of
parishes, not being burghal parishes or combinations formed before
the passing of this Act, the following provisions shall have effect;
that is to say, 35

(1.) Where
number of
owners under
30.

(1.) In every such parish in which the board of supervision shall
determine that the number of owners of lands and heritages
of the yearly value of *twenty pounds* and upwards, as
appearing from the valuation roll in force for the year com-
mencing with the fifteenth day of May one thousand eight 40
hundred and seventy-seven, entitled under the first-recited
Act to be, as such, members of the parochial board thereof,

does not exceed *thirty*, the constitution of the parochial board shall continue to be regulated by the provisions of the first-recited Act, subject only to this provision that the tenants and occupiers of lands and heritages in such parish of such yearly value, not being less than *two hundred pounds*, appearing as aforesaid, as the board of supervision shall from time to time fix for such parish, shall also, as such, be members of the parochial board. A.D. 1877.

(2.) In every such parish in which the board of supervision shall determine that the number of such owners of lands and heritages, appearing as aforesaid, exceeds *thirty*, the constitution of the parochial board shall continue to be regulated by the provisions of the first recited Act, subject only to the following provisions; that is to say, (2.) Where number of owners above 30.

(a.) The amount of yearly value not being less than *fifty pounds*, appearing from the valuation roll in force for the time, which shall entitle an owner to be, as such, a member of the parochial board, shall be fixed from time to time by the board of supervision for each such parish:

(b.) The tenants and occupiers of lands and heritages in such parish of such yearly value not being less than *one hundred pounds*, appearing as aforesaid, as shall be fixed from time to time by the board of supervision for each such parish, shall, as such, be members of the parochial board of such parish:

(c.) The owners of lands and heritages in such parish of the yearly value of *twenty pounds* and upwards, appearing as aforesaid, who shall not be as such members of the parochial board, shall annually elect so many of their number as may from time to time be fixed by the board of supervision to be members of the parochial board of such parish.

The election of elected members first provided for under this Act shall, save as herein mentioned, be regulated and conducted in the same manner as is prescribed in the first-recited Act for the election of elected members, under that Act, and in all elections of elected members under the first-recited Act or this Act, the votes shall be given or taken, collected, and returned in such manner and under such regulations as the board of supervision shall direct.

A.D. 1877.

The first election in each such parish under the first-recited Act as amended by this Act shall be held on a day or days to be fixed by the board of supervision not later, so far as possible, than the *fourteenth day of May one thousand eight hundred and seventy-eight*.

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(3.) Constitution of parochial board may be altered after five years.

(3.) Every determination by the board of supervision under this section shall be final; but at the expiration of every period of *five years* after the passing of this Act the board shall again determine, having regard to the valuation rolls then in force, whether the constitution of the parochial board of each such parish shall be regulated according to the provisions of the first or second sub-section of this section, and such determination shall be final as aforesaid.

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Joint owners and occupiers.

6. In every such parish joint owners, and joint tenants or occupiers, (including corporations, trustees, and joint stock or other companies incorporated or unincorporated,) of lands and heritages shall be entitled, by any writing under their hands, or in the case of corporations or joint stock or other companies under the hand of their clerk or secretary, to nominate one of their own number, or, in the case of joint owners or joint tenants or joint occupiers being females, to nominate any person on their behalf, to be a member of the parochial board, or to vote at an election of members of such board, provided that such lands and heritages are of sufficient value, as appearing from the valuation roll, to entitle an owner, or tenant, or occupier of lands and heritages to be, as such, a member of such board, or to vote at an election of members of such board.

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Temporary provisions.

7. The members of the parochial board of every such parish in office at the date of the passing of this Act shall continue in office till the day fixed by the board of supervision for the first election under the first-recited Act as amended by this Act, notwithstanding that they may not be qualified to be members of a parochial board under this Act, or that the period for which they may have been elected or nominated may have expired.

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Term of office.

8. The elected members of every parochial board elected after the passing of this Act shall, subject to the provisions contained in the succeeding section, be entitled to act for the period of *three years* from the date of their election, and may be re-elected.

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Rotation of elected members.

9. Where the elected members in any parochial board are three or more in number, they shall retire from office at the times and in the proportions following, the individuals to retire in each of the first two years after the first election under the first-recited

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Act as amended by this Act, being determined by ballot, unless it shall be otherwise agreed; (that is to say,) A.D. 1877.

At the end of the first year after such first election one third of the elected members shall go out of office;

5 At the end of the second year after such first election one half of the remaining number of the members elected at such first election shall go out of office;

At the end of the third year after such first election the remainder of such members shall go out of office;

10 And in each instance the places of the retiring members shall be supplied by an equal number of qualified persons; and at the election in every subsequent year one third of the members, being those who have been longest in office, shall go out of office, and their places shall be supplied in like manner; nevertheless, every
15 member so retiring from office may be re-elected immediately, or at any future time, and after such re-election shall, with reference to the going out by rotation, be considered as a new member: Provided always, that if the total number of elected members of such parochial board be some number not divisible by three, the
20 parochial board shall in each case determine what number, as nearly one third as may be, shall go out of office, so that the whole number shall go out of office in three years.

10. If any elected member of a parochial board shall resign (which he may do by any writing under his hand addressed to
25 the chairman thereof), or shall refuse to act, or shall die, or become disqualified, the said board, if they think fit, may appoint a person qualified in the same manner as the person resigning, refusing to act, dying, or becoming disqualified, was at the time of his election to supply his place, and the person so appointed shall
30 remain in office, only so long as the person in whose room he was appointed might have held office. Occasional vacancies to be supplied.

11. In the event of a vacancy in the office of chairman of a parochial board by death, resignation, or otherwise, such board may elect one of their number to be chairman for the period unexpired
35 of the year of office of the person so vacating; and such chairman shall have the same powers as the chairman originally appointed in terms of the first-recited Act. Vacancy in office of chairman to be supplied.

A chairman may resign his office by any writing under his hand addressed to the parochial board.

40 12. If any person or persons entitled to elect or nominate any person to be a member of a parochial board shall fail to elect or nominate a person to be a member of such parochial Failure to elect not to invalidate.

A.D. 1877. board, or if any person elected or nominated by such person or persons shall refuse to act, or shall resign, die, or become disqualified, the acts and proceedings of the remaining members of such parochial board shall nevertheless be deemed to be the acts and proceedings of the parochial board, and shall be as valid and effectual as they would have been if such failure, refusal, resignation, death, or disqualification had not occurred. 5

Parochial board may determine that committees shall hold office for three years.

13. Any parochial board may resolve and determine that the members of any committee appointed under section thirty of the first recited Act shall remain in office for the period of *three years*. 10 Any vacancy caused by the death or resignation of any member of committee, or by his ceasing to be a member of the parochial board, shall be filled up by the parochial board, and the person appointed to fill such vacancy shall hold office as a member of committee for the unexpired period of office of the person so vacating. It shall 15 not be competent for a parochial board to alter such resolution except at the expiration of each period of three years after the date thereof.

Parochial board declared a body corporate.

"The Lands Clauses Consolidation (Scotland) Act, 1845," incorporated.

14. Every parochial board shall be a body corporate by the name of the parochial board of the parish or combination, as the case may be, and shall have perpetual succession and power to acquire, hold, and convey land for the purposes of any of the recited Acts and this Act, or of the Lunacy Acts; and for the purpose of the purchase by a parochial board of any land or buildings required under any of the said Acts, the provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," and any Acts amending the same, with respect to the purchase and taking of lands by agreement, shall be incorporated herewith; and the expression "the promoters of the undertaking" in the said Lands Clauses Consolidation Acts shall, for the purposes of this enactment, mean the parochial board. All conveyances and 30 other deeds granted by a parochial board may be signed by the chairman or two members of such board and the inspector thereof.

PART II.

COMBINATIONS.

Amendment of proviso to 8 & 9 Vict. c. 83. s. 16.

15. The proviso annexed to section sixteen of the first-recited Act, which confers power on the board of supervision to add any adjacent parish to a combination, formed in terms of that section, is hereby amended to the effect of providing that the board of supervision shall not be entitled to exercise such power without the consent of such combination. 35

16. Section seventeen of the first-recited Act is hereby amended to the following effect, viz.:—In every combination formed after the passing of this Act the parochial board of such combination shall be constituted as shall be determined by the combining parishes in their
 5 resolutions to combine, either in the manner provided for combinations by the said first-recited Act, or in the manner provided by the said first-recited Act as amended by this Act, in the case of the parochial board of a parish not burghal nor combined, but in the latter case subject to the provision that wherever any such
 10 combination contains a burgh the magistrates of the burgh shall nominate four persons to be members of the parochial board of the combination.

A.D. 1877.

Constitution of parochial boards in future combinations.

17. Any two or more parochial boards, with the consent of the board of supervision, may, without forming a combination in the
 15 sense of the first-recited Act or of this Act, or of the Lunacy Acts, combine and agree together for any special purpose relating to the relief of the poor authorised by the said Acts, and all expenses incurred in consequence thereof shall be defrayed by such parochial boards in such proportions as, failing agreement, shall be determined
 20 by the board of supervision. Such combination may be dissolved at any time by mutual agreement, provided the consent of the board of supervision have been previously had and obtained.

Combination for special purposes.

PART III.

POORHOUSES.

25 18. The parochial board of every parish in which in the opinion of the board of supervision the circumstances of the parish require that poorhouse accommodation should be provided, shall provide poorhouse accommodation to such extent and in such manner as the board of supervision shall direct, in one or other of the modes
 30 set forth in sections sixty, sixty-one, and sixty-five of the first-recited Act.

Parochial boards to provide poor-house accommodation.

In every poorhouse in which there is vacant accommodation the poorhouse authorities shall receive inmates from such other parishes as may be determined by the board of supervision, and
 35 upon such terms and conditions as, failing agreement between the parties themselves, shall be fixed by the board of supervision.

19. The board of supervision shall from time to time make regulations prescribing the conditions on which the pauper inmates of poorhouses shall be entitled to go out of and return into residence
 40 in poorhouses, but such regulations shall be subject to the approval of one of Her Majesty's Principal Secretaries of State, and shall only be binding from the date on which they shall be certified by him.

Board of supervision to make regulations.

A.D. 1877.

Punishment
for infraction
of regula-
tions, &c.

Any pauper inmate of a poorhouse who shall contravene any of such certified regulations, or who shall desert or run away from a poorhouse, or who shall carry away with him any article of apparel, or shall dispose of for his own behoof or unlawfully destroy any article of apparel, such apparel in either case being the property of the authorities having the control and management of such poorhouse, shall be guilty of an offence under this Act, and shall on conviction be liable to imprisonment for a period not exceeding *three months*, with or without hard labour.

Offences under this section shall be prosecuted summarily before the sheriff at the instance of the procurator fiscal of the county.

Husbands
and wives in
poorhouses.

20. When any two persons, being husband and wife, shall be admitted into any poorhouse, and either of them shall be infirm, sick, or disabled by any injury, or above the age of *sixty years*, it shall be lawful for the authorities having the control and management of such poorhouse to permit, in their discretion, such husband and wife to live together, and every such case shall be reported forthwith to the board of supervision.

PART IV.

RELIEF.

20

Grounds of
refusing
relief to be
certified.

21. In every case of refusal of relief by an inspector, the inspector shall grant to the applicant, in a form to be prescribed by the board of supervision, a certificate, which shall be in writing, or partly in writing and partly in print, signed by the inspector, and setting forth the name of the applicant, the grounds and date of the refusal, and the sheriff court at which the poor person may apply under the provisions of section seventy-three of the first-recited Act; and a duplicate of such certificate shall be transmitted by the inspector by post within twenty-four hours to the sheriff clerk or his depute at such sheriff court.

30

It shall not be competent for a poor person to apply to a sheriff under the provisions of section seventy-three of the first recited Act, unless he produce with his application the certificate so granted to him.

“Inspector” shall, for the purposes of this section, include assistant-inspector duly authorised.

No outdoor
relief to be
granted in
certain
cases.

22. It shall not be competent to any parochial board or inspector to grant relief for a longer period than *one month* otherwise than in the poorhouse, except by payment of school fees for her children, to any woman whose claim for relief arises wholly from her having one or more illegitimate children, provided that she and her child or children are capable of removal to the poorhouse without injury

to their health; and provided farther that it shall nevertheless be competent for the board of supervision, upon application by any person interested, to direct or authorise the granting or continuance of outdoor relief in any such case in which it shall appear to them
5 that the circumstances justify it.

A.D. 1877.

23. Whenever any parochial board shall have resolved or offered to remove any poor person from one parish to another parish in Scotland, not being his parish of birth, or shall have obtained a warrant for the removal of any poor person from any parish
10 in Scotland to England, Ireland, or the Channel Islands, such poor person may, within *three days* after intimation of such resolution or offer, or after the granting of such warrant, appeal to the board of supervision, which board shall without delay investigate the grounds of such appeal, and determine whether
15 it is reasonable and proper that such poor person shall be so removed, and no such poor person shall be so removed if the board of supervision shall, by a minute certified by the secretary, and transmitted by him to such parochial board, declare that it is not reasonable and proper to remove such poor person. Pending such
20 appeal it shall be the duty of the parochial board to award to such poor person such interim aliment as his circumstances may require, and if the appeal be sustained, to afford relief in terms of the first-recited Act.

Paupers
may appeal
against
removal.

24. The application for and acceptance of relief by or on behalf
25 of any person shall, ipso facto, operate as a disposition and assignation of all property, heritable and moveable, then belonging or which may afterwards belong to him, in security, and with power of sale, for repayment to the parochial board of the parish ultimately chargeable for his support of all sums paid for his relief; subject to
30 the following provisions; (that is to say,)

Acceptance
of relief to
be equivalent
to disposi-
tion and
assignation.

(1.) The parochial board of the parish affording relief shall be entitled immediately to take possession of all such property, heritable and moveable, as the same may from time to time belong to the person receiving, or who has received relief:
35 (2.) An intimation by the parochial board to the tenants or debtors of any such person that he is receiving or has received relief, shall be equivalent to an intimated assignation in favour of such parochial board, and such tenants or debtors shall thereafter be bound to pay their rents or debts
40 to them:

(3.) It shall be competent for such parochial board to expedite a notarial instrument, setting forth the application for and receipt of relief by or on behalf of such person, and

A.D. 1877.
—

specifying the lands or heritable securities belonging to such person, as the case may be, to which a title is to be completed, and the title by which such lands and heritable securities are held by such person in, or as nearly as may be in, the forms of schedule J. and L. (according to the state of the title in such person), annexed to “The Titles to Land Consolidation (Scotland) Act, 1868,” and in the case of heritable securities in the form or as nearly as may be in the form of schedule N. annexed to “The Conveyancing (Scotland) Act, 1874,” with the addition, in the case of each form, of a statement of the presentation to the notary public of an extract minute of the parochial board in the form, or as nearly as may be in the form, of the schedule hereto annexed, and to record such notarial instrument in the appropriate register of sasines; and such notarial instrument being so recorded shall vest such parochial board with the full right of such person in such lands or heritable securities; and such parochial board shall be held to be entered with the superior in the manner, to the effect, and subject to the conditions set forth in the fourth section of “The Conveyancing (Scotland) Act, 1874:”

- (4.) It shall be competent to such parochial board to sell such lands by public roup after advertisement of the same once weekly for at least three successive weeks in a newspaper published in the county in which such lands lie; and if there shall be no newspaper published in such county, then in a newspaper published in an adjoining county:
- (5.) The parochial board shall be entitled to apply the rents, interests, and moneys obtained in virtue of the powers contained in this section, in payment from time to time of the relief granted to such person, and they shall be bound to account to such person or his representatives for any surplus which may remain after repayment of the whole relief given to him, and expenses duly incurred by such parochial board in connexion with the relief of such person, or in making up a title to or administering his estate:
- (6.) The parochial board shall also be bound on obtaining such repayment to convey and assign to such person, or those in his right, all lands and heritable securities remaining vested in them in terms of this section, and all moveable estate to which they may have acquired right in virtue hereof.

PART V.

A.D. 1877.

MEDICAL RELIEF.

25. The parochial board of every parish shall appoint a fit person or persons to be medical officer or medical officers of the 5 poor in such parish, who shall be paid a suitable salary, the amount of which shall be fixed with due regard to the population and extent of the parish and to the number of paupers, and such salary shall be exclusive of the cost of medicines and medical appliances.

Parochial boards to appoint medical officers.

The parochial board shall forthwith report to the board of supervision the name and address of every medical officer appointed by them, and the amount of the salary to be given to him for their approval.

26. Where the parochial board of a parish resolves, or where two or more parochial boards combine in terms of the Poor Law Acts as amended by this Act, to provide a residence for a medical officer, the provisions of the sixty-second and sixty-third sections of the first recited Act, as amended by the third section of the second recited Act, in regard to the approval of the plans for the erection, enlargement, or alteration of poorhouses and the borrowing 20 of money for such purposes, shall apply to the erection, enlargement, or alteration of houses for medical officers, and the plans for such last-mentioned purposes shall be approved, and the sums required for such last-mentioned purposes may be borrowed in terms thereof.

Where houses provided for medical officers, plans to be approved, and money may be borrowed for erection, &c. with consent of board of supervision.

27. *There shall be paid to the board of supervision by the Lords Commissioners of Her Majesty's Treasury, out of moneys to be voted by Parliament, a sum of money in each year equal to one half the total amount expended in the previous year in salaries to medical officers and in providing medicines and medical appliances for poor 30 persons; Provided always, that no such payment shall be made except upon a certificate from the board of supervision that such expenditure has been duly made.*

One half the cost of medical officers and medicines to be paid by Treasury.

The board of supervision shall from time to time frame rules and regulations for the administration of medical relief and for the 35 distribution of the foresaid sum of money, and shall submit the same for the approval of one of Her Majesty's Principal Secretaries of State, and such rules and regulations when so approved shall be published in the Edinburgh Gazette, and in such other manner as the board of supervision shall think fit, and the same 40 shall be binding until altered in terms of this Act.

Board of supervision to frame regulations.

A.D. 1877.

PART VI.

GENERAL PROVISIONS.

Children.

No child
to be long
detained
in poorhouse.

28. No orphan or deserted child, and no child separated from its parents, above the age of *five* and under the age of *twelve years*, 5 shall be detained in any poorhouse for a longer period than *three months*, unless the medical officer shall certify that its health would suffer by removal, or unless the board of supervision shall sanction its longer detention in such poorhouse on account of the special circumstances of the case; and all such children shall be boarded, 10 as far as possible, in rural districts and with persons of their own religion.

Where a parent has deserted his child for the period of *one year* or upwards, the parochial board shall be entitled to refuse to give up the custody of such child, unless he shall first repay to the 15 parochial board all sums which have been properly expended in the maintenance of such child since its desertion.

Blind or Deaf or Dumb Persons.

Parochial
boards may
provide for
maintenance
and instruc-
tion of blind,
deaf, or dumb
persons.

29. The parochial board of any parish or combination may provide for the reception, maintenance, and instruction of any 20 person being blind, deaf, or dumb, who is himself, or whose parents are, unable to pay for the same in any hospital or institution established for the reception of persons suffering under such infirmities, and may pay the charges incurred in the conveyance of such person to and from such hospital or institution, as well as 25 those incurred in his maintenance and instruction therein. Farther, the board may provide for the maintenance of any blind, or deaf, or dumb poor person in every case where there are special circumstances rendering it advisable, by giving outdoor relief for the purpose.

Settlement.

30

Settlement
of children
born in poor-
houses.

30. Every child born in a poorhouse or lunatic asylum in which its mother is a pauper inmate, shall, for the purposes of the Poor Law Acts, be deemed to have been born in the parish of its mother's settlement, or, in the case of her having no settlement in Scotland, of its mother's chargeability at the time of its birth; and every 35 child born in a prison shall, for the said purposes, be deemed to have been born in the parish of its mother's settlement, or, in the case of her having no settlement in Scotland, in the parish in which she was apprehended

31. Notwithstanding the enactment in section seventy-six of the first-recited Act, no person who has acquired a settlement by five years continuous residence in any parish or combination shall be held to have lost such settlement unless during any subsequent period of six years he shall not have resided in such parish or combination continuously for at least one year.

A.D. 1877.
Settlement
by five years
residence to
be lost only
by six years
absence.

Audit and Accounts.

32. Accounts of the receipts and expenditure of each parochial board under the Poor Law Acts shall be made up in such form and to such day in every year as the board of supervision may appoint, and shall, as soon as may be, be audited and examined as herein-after provided.

Accounts of
parochial
boards to be
audited.

33. It shall be lawful for the said board, with the consent of one of Her Majesty's Principal Secretaries of State, from time to time to appoint such persons as they may deem requisite to act as auditors for the purposes of this Act, subject to the consent of the Treasury as to number.

Appoint-
ments of
auditors.

Subject to the regulations herein-after contained, the board of supervision shall frame rules for the guidance of the auditors so appointed in the discharge of their duties; provided that no such rules shall be in force until they have lain for not less than one month on the table of both Houses of Parliament.

There shall be paid out of moneys to be voted by Parliament to every auditor so appointed such remuneration, together with his expenses, if any, of travelling to and from the place of audit, as the board of supervision, with the approval of the Lords Commissioners of Her Majesty's Treasury, may from time to time determine.

34. The following regulations with respect to audit shall be observed; (namely,)

Provisions
for audit.

(1.) Before each audit the inspector shall, after receiving from the auditor the requisite appointment, give at least fourteen days notice of the time and place at which the same will be made, and of the deposit of accounts required by this section, by advertisement in some one or more of the local newspapers circulated in the district; and the production of the newspaper containing such notice shall be deemed to be sufficient proof of such notice on any proceeding whatsoever:

(2.) A copy of the accounts duly made up and balanced, together with all assessment books, account books, deeds, contracts, accounts, vouchers, and receipts mentioned or referred to in such accounts, shall be deposited in the usual offices of the parochial board, or at some place within the parish,

A.D. 1877.

and be open between the hours of eleven forenoon and three afternoon to the inspection of all ratepayers for seven clear days before the audit, and all such persons shall be at liberty to take copies of or extracts from the same without fee or reward; and any officer of such 5 parochial board duly appointed in that behalf refusing to allow inspection thereof, shall be liable to a penalty not exceeding *five pounds* :

- (3.) For the purpose of any audit under this Act, every auditor may, by a demand in writing, require the production be- 10 fore him of all books, deeds, contracts, accounts, vouchers, receipts, and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, receipts, documents, or papers to appear before 15 him at any such audit, or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and if any such person neglects or refuses so to do, or to produce any such books, deeds, contracts, accounts, vouchers, receipts, documents, or papers, or to make or 20 sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings; and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted on persons 25 guilty of perjury :
- (4.) Any ratepayer in the parish may make any objection to such accounts, and shall transmit the same in writing to the auditor before the time fixed for the audit as aforesaid :
- (5.) If it shall appear to any auditor acting in pursuance of this 30 section that any payment is in his opinion contrary to law and should be disallowed and surcharged upon the person making the same, or that any sum, which in his opinion ought to have been, is not brought into account by any person, whether such payment or failure to account has 35 been made matter of objection or not, he shall by a certificate under his hand report thereon to the board of supervision, setting forth in such certificate the grounds of his opinion as aforesaid; and the board of supervision shall intimate such certificate to any objector and also to the 40 poor law officer or other person affected thereby; and after due inquiry the said board shall decide all questions raised by such certificates and shall disallow all illegal payments and surcharge the same on the person or persons

making them, and shall allow all sums which ought to have been but have not been brought into account : A.D. 1877.

(6.) If the said board shall be of opinion that although a disallowance or surcharge might be lawfully made, the subject matter thereof was incurred under such circumstances as to make it fair and equitable that the disallowance or surcharge should be remitted, they may remit the same :

(7.) The power of disallowance and surcharge herein-before conferred on the board of supervision shall not be held to extend to any payment objectionable merely on the ground of erroneous exercise of the discretion vested by the Poor Law Acts in any parochial board or poor law officer in executing the said Acts :

(8.) Every sum determined by the board of supervision under this Act to be due from any person shall be paid by such person to the parochial board of the parish to which it is due within fourteen days after such determination has been intimated to him, and if such sum is not so paid, the auditor shall for behoof of such parochial board recover the same from the person by whom the same has been determined to be due by the like process and with the like powers as assessments for the relief of the poor under the Poor Law Acts may be recovered; and the auditor shall be paid by such parochial board all such expenses, including a reasonable compensation for loss of time incurred by him in such proceedings, as are not recovered by him from such person :

(9.) Within *fourteen days* after the completion of the audit, or as the case may be after the board of supervision have determined any questions raised under a certificate by the auditor as aforesaid, the auditor shall report on the accounts audited and examined, and shall deliver such report to the parochial board, who shall cause the same to be deposited in their office, and shall forthwith publish an abstract of such accounts in some one or more of the local newspapers circulated in the district.

Miscellaneous.

35. The parochial board of any parish or combination, and the committee of management of any poorhouse formed under a combination for poorhouse purposes, may at their discretion, with the consent of the board of supervision, grant to any poor law officer in their service, and who shall become incapable of discharging the duties of his office with efficiency, by reason of per-

Parochial boards may grant superannuation allowances to poor law officers.

A.D. 1877. manent infirmity of mind or body, or of old age, upon his resigning or otherwise ceasing to hold his office, an annual allowance not exceeding in any case two thirds of his then salary, and shall charge such allowance to the funds raised within the parish or combination for the relief of the poor, and no contribution shall be made thereto 5 out of any moneys voted by Parliament, subject to the following provisions :—

- (1.) No poor law officer shall be entitled to such allowance on the ground of age, unless—
 - (a.) He shall have completed the full age of *sixty* years ; 10
 - and
 - (b.) He shall have served as a poor law officer for *twenty* years at the least.

In computing the period of service, any period of service as a poor law officer in any character to any parish or com- 15 bination may be reckoned along with any other period of such service in any other character, and to any other parish or combination.

- (2.) Such allowance shall in every case be alimentary and payable to or in trust for such poor law officer only, and shall 20 not be assignable or chargeable with his debts or other liabilities.
- (3.) No grant shall be made of any such allowance without one month's previous notice in print or in writing, or partly in 25 writing and partly in print, to be specially given to every member of the parochial board of the parish or combination, or of the committee of management of the poorhouse formed under a combination for poorhouse purposes, as the case may be, of the proposal to make such grant, and of the time when such proposal shall be brought forward. 30

Repeal of
8 & 9 Vict.
c. 83. s. 56.

Removal of
medical
officers, in-
spectors, &c.
only by
board of
supervision.

Provisions
of 8 & 9 Vict.
c. 83. s. 80.
to be ex-
tended.

36. Section fifty-six of the first-recited Act is hereby repealed.

Medical officers and inspectors shall only be removable from office by the board of supervision, who shall have power by a minute or order to suspend or dismiss any such officer who shall fail or neglect or refuse to perform the duties of his or her office, or who 35 in the opinion of the said board is unfit or incompetent to discharge said duties.

37. The provisions of section eighty of the first-recited Act shall extend and apply—

- (1.) To any mother who, being sui juris, or living apart from her 40 husband, shall desert or neglect to maintain her legitimate children, being able so to do, whereby such children shall become chargeable to any parish :

A.D. 1877.

(2.) To any lawful child who shall refuse or neglect to maintain his father or mother, being able so to do, whereby such father or mother shall become chargeable to any parish.

All prosecutions under that section as hereby extended and
5 amended shall be at the instance of the procurator fiscal of the sheriff court.

38. The first section of the second-recited Act shall be read and construed as if the words "such number of fit persons as they may deem requisite" were substituted for the words "two fit persons" where these latter words occur therein.

Appointment
of general
superinten-
dents.

39. Every assessor acting under the Valuation Acts shall, on or before the *fifteenth day of October* in each year, make to the board of supervision, in a form to be prepared by the said board, a return of the total amount of the valuation of each parish or part of a
15 parish within the county and burgh for which he is assessor, and an abstract of such returns shall be published in the annual report of the board of supervision.

Annual
returns to
be made by
assessors.

40. It shall be lawful for the board of supervision at any time, and from time to time, to cancel or vary any minutes, orders, rules,
20 and regulations made by them.

Power to
cancel or
vary any
minutes, &c.

41. The parochial board of the Barony Parish of Glasgow shall continue to be constituted as provided by the "Glasgow Barony Parochial Board Act, 1862;" but all the provisions of the first-recited Act and of this Act, except in so far as they are inconsistent
25 with the provisions of the said Act, shall apply to the said parish and the parochial board thereof.

Saving con-
stitution of
Glasgow
Barony
Parochial
Board.

Procedure.

42. All offences and penalties which may under the recited Acts or this Act be prosecuted or recovered summarily shall be prose-
30 cuted and recovered before a court of summary jurisdiction under the provisions of "The Summary Procedure Act, 1864," and all powers, authorities, and jurisdictions necessary for that purpose are hereby conferred on courts of summary jurisdiction.

Summary
proceedings
for offences.

A court of summary jurisdiction when hearing and determining
35 a complaint under the recited Acts or this Act shall be constituted of two or more justices of the peace sitting in a justice of peace court, or of the sheriff of the county, or some other magistrate or officer empowered by law to do alone any act authorised to be done by more than one justice of the peace sitting at some court or
40 other place appointed for the administration of justice.

A.D. 1877.

Recovery of
penalties.

43. Every penalty recoverable summarily under the recited Acts or this Act may be recovered by arrestment and also by poinding and sale, and in default of payment or recovery, by such diligence the person ordained to pay the same shall be liable to be imprisoned for a term not exceeding sixty days; and the conviction and warrant 5 may be in the form No. 6 of schedule K. of the Summary Procedure Act, 1864.

Saving of
proceedings.

44. Nothing contained in this Act shall affect—

- (a.) Anything duly done or suffered under any enactment hereby repealed; or 10
- (b.) Any right or liability acquired, accrued, or incurred under any enactment hereby repealed; or
- (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or 15
- (d.) Any investigation, legal proceeding, or remedy in respect of any such right, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not been passed. 20

SCHEDULE.

[The forms of Schedules J. or L. annexed to "The Titles to Land Consolidation (Scotland) Act, 1868," to be used according to the state of the pauper's title to the lands; and the form of Schedule N. annexed to "The Conveyancing (Scotland) Act, 1874," to be used where the pauper was possessed of heritable 25 securities; and thereafter, in each case, add] AS ALSO there was presented to me an extract minute of meeting of the said parochial board of the parish of A., held on the [insert date], setting forth that an application for relief under the Poor Law Acts having been made by or on behalf of the said B.C., he obtained such relief, and has not repaid the amount thereof: WHEREUPON 30 this instrument is taken in the hands of L.M. (insert name and designation of notary public), in terms of the Poor Law (Scotland) Amendment Act, 1877. In witness whereof [insert testing clause].

Poor Law (Scotland).

A

B I L L

For the further Amendment and better
Administration of the Laws relating
to the Relief of the Poor in Scot-
land.

(*Prepared and brought in by*
The Lord Advocate and Mr. Secretary Cross.)

Ordered, by The House of Commons, to be Printed,
12 April, 1877.

[Bill 134.]

Under 3 oz.

A

B I L L

TO

Amend the Law with respect to Money Orders granted or issued by or under the Authority of the Postmaster General. A.D. 1877.

WHEREAS it is expedient that the Postmaster General should be able to issue money orders capable of being cashed with greater facility than those which are at present issued, and doubts are entertained whether the enactments mentioned in the schedule to this Act, or some of them, will apply to such orders, and it is expedient to remove such doubts :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Post Office (Money Orders) Act, 1877 Short title.

2. The Acts mentioned in the schedule to this Act, and the enactments relating to stamp duties, shall not, nor shall any of them, apply to any money orders granted or issued by or under the authority of the Postmaster-General, whether such orders be called money orders, postal orders, post office notes, post office bills, postal cheques, or by any other name. Exception of Post Office money orders from Acts in schedule.

SCHEDULE.

A.D. 1877.

ACTS REFERRED TO.

Session and Chapter.	Title.
17 Geo. 3. c. 30 - -	An Act for further restraining the Negotiation of Promissory Notes and Inland Bills of Exchange under a Limited Sum within that part of Great Britain called England. 5
48 Geo. 3. c. 88 - -	An Act to restrain the Negotiation of Promissory Notes and Inland Bills of Exchange under a Limited Sum in England. 10
7 Geo. 4. c. 6 - - -	An Act to limit and, after a certain period, to prohibit the issuing of Promissory Notes under a Limited Sum in England.
7 & 8 Vict. c. 32 - -	An Act to regulate the issue of Bank Notes, and for giving to the Governor and Company of the Bank of England certain Privileges for a Limited Period. 15

Post Office (Money Orders).

A

B I L L

To amend the Law with respect to Money Orders granted or issued by or under the Authority of the Postmaster General.

(*Prepared and brought in by*
Mr. W. H. Smith and Lord John Manners.)

Ordered, by The House of Commons, to be Printed
21 June 1877.

[Bill 212.]

Under 1 oz.

Prisons Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title of Act.
 2. Commencement of Act.
 3. Application of Act.
-

PART I.

TRANSFER AND ADMINISTRATION OF PRISONS.

Transfer of Prisons.

4. Maintenance of prisons and prisoners out of public funds.
5. Prisons to vest in Secretary of State.

ADMINISTRATION OF PRISONS.

Prison Commissioners.

6. Appointment of Prison Commissioners.
7. Appointment of inspectors, officers, and servants.
8. Duties of Prison Commissioners.
9. Reports by Prison Commissioners.

Visiting Committee of Justices.

10. Appointment of visiting committee of prisons.
 11. Duties of visiting committee.
-

PART II.

SUPPLEMENTAL PROVISIONS.

As to Obligation to maintain Prisons.

12. Termination of local obligation to maintain prisons.
13. Compensation to be made in place of prison accommodation.
14. Compensation to be made to prison authority in respect of accommodation provided for prisoners of some other authority.
15. Allowance to be made to prison authority in respect of uncompleted prison.

[Bill 1.]

As to Contracts and Debts.

Clause.

16. General saving of rights of creditors.
17. Determination of contracts between prison authorities.
18. Existing debts to be defrayed by prison authorities.
19. Provision as to continuing contracts.

As to Classification and Commitment of Prisoners.

20. Confinement of prisoners before and during trial.
21. Confinement of prisoners after conviction.
22. Confinement of debtors and prisoners who are not criminal prisoners.
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27. Sheriff not liable for escape.
28. Prisoners under sentence of death.

As to Discontinuance of Prisons.

29. Power of Secretary of State to discontinue prisons.
30. Effect of discontinuance of prison.

Status of Prison Officers.

31. Position and duties of existing officers of prisons.
32. Discontinuance of prisons and abolition of office within a year.
33. Superannuation of officers and abolition of office after a year.

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34. Relaxation of the law relating to hard labour.
35. Rules as to treatment of prisoners before trial, and prisoners confined for nonpayment of sums in the nature of debts.
36. Transfer of duties of existing inspectors of prisons.
37. Power of prison authority to borrow on rate.
38. Power of Public Works Loan Commissioners to lend.
39. Legal estate in prison.

Clause.

40. Appropriation of court-houses situate within the precincts of a prison.
41. Protection of prisons in the nature of national monuments.
42. Rules of Secretary of State and repeal of inconsistent enactments.
43. Saving clause as to reformatory and industrial schools.
44. Saving clause as to pensions.

Arrangement and Arbitration.

45. Power for Secretary of State and prison authority to compromise and refer to arbitration.

Definitions.

46. Definition of "furniture and effects belonging to a prison."
47. Definition of "prisoner" and "maintenance of prisoner."
48. Definition of "county" and "riding."
49. Definition of "borough."
50. Definition of "prison."
51. Definition of "prison authorities," "justices in sessions assembled," "visiting justices."

A

B I L L

TO

Amend the Law relating to Prisons in England.

A.D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5

Preliminary.

1. This Act may be cited for all purposes as the Prison Act, 1877. Short title of Act.

2. This Act shall, except as is herein-after otherwise provided, come into operation on the *first day of April one thousand eight hundred and seventy-eight*, which day is herein-after referred to as the commencement of this Act. Commencement of Act.

10 *hundred and seventy-eight*, which day is herein-after referred to as the commencement of this Act.

3. This Act shall not extend to Scotland or Ireland, but shall apply to all prisons belonging to any prison authority as defined by the Prison Act, 1865. Application of Act.

15

PART I.

TRANSFER AND ADMINISTRATION OF PRISONS.

Transfer of Prisons.

4. *On and after the commencement of this Act all expenses incurred in respect of the maintenance of prisons to which this Act applies and of the prisoners therein, shall be defrayed out of moneys provided by Parliament.* Maintenance of prisons and prisoners out of public funds.

5. Subject as in this Act mentioned—

- (1.) The prisons to which this Act applies, and the furniture and effects belonging thereto ; also Prisons to vest in Secretary of State.
- 25 (2.) The appointment of all officers, and the control and safe custody of the prisoners in the prisons to which this Act applies ; also all powers and jurisdiction at common

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law or by Act of Parliament or by charter vested in or exerciseable by prison authorities or the justices in sessions assembled, in relation to prisons or prisoners within their jurisdiction,

shall, on and after the commencement of this Act, be transferred to, 5 vested in, and exercised by one of Her Majesty's Principal Secretaries of State, in this Act referred to as the Secretary of State.

ADMINISTRATION OF PRISONS.

Prison Commissioners.

Appointment
of Prison
Commis-
sioners.

6. For the purpose of aiding the Secretary of State in carrying 10 into effect the provisions of this Act relating to prisons, Her Majesty may at any time and from time to time after the passing of this Act by warrant under her sign manual appoint any number of persons to be Commissioners during Her Majesty's pleasure, so that the whole number of Commissioners appointed do not at any 15 one time exceed five, and may, on the occasion of any vacancy in the office of any Commissioner by death, resignation, or otherwise, by the like warrant, appoint some other fit person to fill such vacancy. The Commissioners so appointed shall be a body corporate with a common seal, with power to hold land without 20 license in mortmain so far as may be necessary for the purposes of this Act, and shall be styled "The Prison Commissioners."

The Secretary of State may from time to time appoint one of the Commissioners to be chairman.

There may be paid out of moneys provided by Parliament to all 25 or any one or more of the Prison Commissioners such salary for their or his services as the Secretary of State may with the consent of the Treasury determine.

Any act or thing required or authorised to be done by the Prison Commissioners may be done by any one or more of them as the 30 Secretary of State may by general or special rule direct.

Appointment
of inspectors,
officers, and
servants.

7. The Prison Commissioners shall be assisted in the perform-
ance of their duties by such number of inspectors, storekeepers,
accountants, and other officers and servants as may, with the
sanction of the Treasury as to number, be determined by the 35
Secretary of State. The inspectors shall be appointed by the
Secretary of State, the other officers and servants of the Prison
Commissioners by the Prison Commissioners themselves, subject
to the approval of the Secretary of State.

There shall be paid out of moneys provided by Parliament to the 40 inspectors and other officers and servants of the Prison Commis-

sioners such salaries as the Secretary of State may with the consent of the Treasury determine. A.D. 1877.

8. The general superintendence of prisons under this Act shall be vested in the Prison Commissioners, subject to the control of the Secretary of State. Duties of
Prison
Commis-
sioners.

Subject as in this Act mentioned, the Prison Commissioners shall appoint all such officers of a prison as are by the Prison Act, 1865, declared to be subordinate officers of a prison, such appointments to be for general prison service. The Prison Commissioners shall also make contracts, and do all other acts necessary for the maintenance of the prisons and prisoners within their jurisdiction.

Subject to the control of the Secretary of State, the Prison Commissioners, by themselves or their officers, shall visit and inspect the prisons within their jurisdiction, and shall examine into the state of the buildings, so as to form a judgment as to the repairs, additions, or alterations which may appear necessary, regard being had to the requisitions of the Prison Act, 1865, as amended by this Act, with respect to the separation of prisoners and enforcement of hard labour, and shall further examine into the conduct of the respective officers and the treatment and conduct of the prisoners, the means of setting them to work, the amount of their earnings, and the expenses attending the prison, and shall inquire into all abuses within the prison, and regulate all matters required to be regulated by them.

Subject to the control of the Secretary of State, the Prison Commissioners, or any one or more of them, may, in addition to any powers otherwise conferred on them by this Act, exercise in relation to any prison under this Act, and the prisoners therein, all powers and jurisdiction by any Act of Parliament or at common law, or by charter, exerciseable by visiting justices, or a visiting justice, of a prison. And any reports, acts, or things required to be made or done to or by or in relation to the visiting justices, or a visiting justice, of a prison, at common law or by any Act of Parliament, or by charter, shall, except in so far as is otherwise provided by this Act, be made or done to or by or in relation to the Prison Commissioners, or any one or more of them, or to or by or in relation to such persons or person as the Secretary of State may from time to time appoint.

The Prison Commissioners shall, in the exercise of their powers and jurisdiction under this Act, conform to any directions which may from time to time be given to them by the Secretary of State.

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Reports by
Prison Com-
missioners.

9. The Prison Commissioners shall, at such time or times as the Secretary of State may direct, make a report or reports to the Secretary of State of the condition of the prisons and prisoners within their jurisdiction, and an annual report to be made by them with respect to every prison within their jurisdiction shall be laid before both Houses of Parliament.

Visiting Committee of Justices.

Appoint-
ment of
visiting
committee of
prisons.

10. On and after the commencement of this Act there shall be repealed the fifty-third and fifty-fourth sections of the Prison Act, 1865, relating to the appointment and duties of visiting justices. 10

A visiting committee shall be annually appointed for every prison under this Act, consisting of such number of persons being justices of the peace to be appointed at such time and by such bench or benches of magistrates as the Secretary of State, having regard to the locality of the prison, to the justices heretofore having jurisdiction over such prison, and to the class of prisoners to be confined in such prison, may from time to time by any general or special rule prescribe. 15

The justices of any county, riding, or liberty of a county having a separate court of quarter sessions shall appoint members of a visiting committee when assembled at such general or quarter sessions as may be prescribed by the Secretary of State. 20

The justices of a borough shall hold special sessions at such time as may be prescribed by the Secretary of State, for the purpose of appointing any members of a visiting committee they may be required to appoint. 25

Duties of
visiting
committee.

11. The Secretary of State may from time to time make, and when made repeal, alter, or add to rules with respect to the duties of a visiting committee, and such committee shall conform to any rules so made and for the time being in force, but subject as aforesaid, the members of such committee shall from time to time and at frequent intervals visit the prison for which they are appointed, and hear any complaints which may be made to them by the prisoners. They shall report on any abuses within the prison, and also, if they think it necessary so to do, on any repairs which may be urgently required in the prison, and shall further take cognizance of any matters of pressing necessity and within the powers of their commission as justices, and do such acts and perform such duties in relation to a prison as they may be required to do or perform by the Secretary of State. 30 35 40

The visiting committee may from time to time (subject to such rules as to rotation or otherwise as may be made by the Secretary

of State) nominate to the Prison Commissioners persons fit to be admitted into the prison service as subordinate officers, and such persons shall, in the event of their possessing such qualifications and fulfilling such conditions as may from time to time be prescribed by the Secretary of State, be appointed to vacancies from time to time arising in the prison service.

The visiting committee shall be deemed to be visiting justices for all the purposes of the regulations relating to the punishment of prisoners numbered 58 and 59 in the first schedule annexed to the Prison Act, 1865, or either of such regulations, and any member of a visiting committee may exercise any power, or do any act, or receive any report which any one justice may exercise, do, or receive under the said regulations numbered 58 and 59, or either of them.

The visiting committee shall report as soon as may be to the Secretary of State, and in such manner as he may direct, any matters with respect to which they may consider it expedient, or may be required by the Secretary of State to report.

PART II.

SUPPLEMENTAL PROVISIONS.

20 *As to Obligation to maintain Prisons.*

12. On and after the commencement of this Act the obligation of any county, riding, division, hundred, liberty, franchise, borough, town, or other place having a separate prison jurisdiction, to maintain a prison or to provide prison accommodation for its prisoners shall cease.

Termination of local obligation to maintain prisons.

13. Where at the time of the *passing* of this Act any prison authority has no prison of its own, or has not a prison or prisons of its own adequate to the accommodation of the prisoners belonging to such authority, it shall pay into the receipt of the Exchequer *one hundred and twenty pounds* in respect of each prisoner belonging to such prison authority for whom cell accommodation has not at such time as last aforesaid been provided by such authority in a prison of its own.

Compensation to be made in place of prison accommodation.

Any sum payable by a prison authority in pursuance of this section shall be deemed to be a debt due from the prison authority to the Crown, and may be recovered accordingly.

Where one prison authority has contributed a sum of money towards the construction by some other prison authority of cell

A.D. 1877. accommodation for the use of the prisoners of the contributing authority, and such cell accommodation has been constructed accordingly, then in assessing the sum payable into the Exchequer by the contributing authority under this section, the contribution so made shall be taken into consideration, and a proportionate deduction 5 be made accordingly.

For the purposes of this section a prison authority may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per cent. as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, 10 such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding thirty-five years.

Compensation to be made to prison authority in respect of accommodation provided for prisoners of some other authority.

14. *Where before the first day of June one thousand eight hundred and seventy-seven any prison authority having more than sufficient cell accommodation for the number of prisoners belonging 15 to such prison authority, and which prison authority is in this section called the receiving authority, has contracted with any other prison authority, in this section called the sending authority, that the receiving authority is to receive into its prisons any prisoners belonging to such sending authority, and such receiving authority 20 has in the performance of such contract provided cell accommodation for the prisoners of the sending authority, there shall be paid to the receiving authority, out of moneys provided by Parliament, any loss it may have so sustained in relation to such contract for cell accommodation by reason of the passing of this Act, so that the 25 expense of providing cell accommodation for any one prisoner shall not in any case be held to have exceeded the sum of one hundred and twenty pounds.*

For the purposes of this section any public department of state which has made contracts with respect to prisoners shall be included 30 under the term "prison authority."

Where it appears that any contract under this section is intended to be renewed at the expiration of its subsisting term, the intention of renewal shall be taken into consideration in estimating the loss sustained by the receiving authority. 35

Allowance to be made to prison authority in respect of uncompleted prison.

15. Where at the time of the *passing* of this Act a prison authority has contracted to construct a building to be used as a prison, but such building has not at the commencement of this Act been completed or become a prison within the meaning of this Act, the Secretary of State may, if he thinks fit so to do, allow the prison 40 authority time to complete such building as a prison, and when so completed it shall pass over to and vest in the Secretary of State as a prison completed at the commencement of this Act, but if the

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Secretary of State does not think fit to allow time for the completion of such prison as aforesaid, he shall, nevertheless, in assessing the amount of compensation payable in respect of cell accommodation, make, with the consent of the Treasury, from the
 5 compensation payable as aforesaid, such deduction as, having regard to all the circumstances of the case, may be agreed upon or as may, in the event of disagreement between the Secretary of State and the prison authority, be determined by arbitration.

As to Contracts and Debts.

10 16. Nothing in this Act contained shall (save as in this Act mentioned with respect to contracts and obligations between prison authorities) affect any right or claim of any creditor of a
 15 prison authority under any contract legally made or in respect of any dealing legally had before the commencement of this Act, and between such creditor and the prison authority of which he is a creditor such contract may be enforced in the same manner in all respects as if this Act had not passed.

General saving of rights of creditors.

17. Any contract made or obligation undertaken by any prison authority with any other prison authority for or in relation to the
 20 maintenance of any prison or prisoners, or any matter relating to such maintenance, shall be deemed to be determined on and after the commencement of this Act, without prejudice nevertheless to any moneys which may have accrued due under or in respect of such contract or obligation at or before the commencement of this
 25 Act.

Determination of contracts between prison authorities.

18. There shall be defrayed by a prison authority in the same manner as if this Act had not passed :

Existing debts to be defrayed by prison authorities.

- (1.) All debts due and sums of money payable in respect of contracts performed, dealings completed, or any matter or
 30 thing done before the commencement of this Act ; and,
 (2.) All mortgage debts (together with interest from time to time accruing thereon) contracted in respect of any prison.

A mortgage debt in this section shall include any moneys which at the commencement of this Act have been borrowed or contracted
 35 to be borrowed by a prison authority on the security of any prison, or on the security of any rate applicable to the payment of the expenses of a prison, also any debt or liability contracted before the commencement of this Act, for the payment of which debt or liability money is authorised to be borrowed in pursuance of section
 40 twenty-three of the Prison Act, 1865.

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Provision as
to continu-
ing con-
tracts.

19. Where any contract or dealing, in which any prison authority is concerned, is a continuous contract or dealing, to be performed partly before and partly after the commencement of this Act, and is not a contract or dealing which is declared by this Act to have determined, and is not a mortgage debt as defined by the previous section, such contract or dealing shall be deemed to be divisible, and as to so much thereof as is performable before the commencement of this Act, shall create a debt or obligation to be discharged or performed by the prison authority concerned therein, and as to so much thereof as is performable after the commencement of this Act, shall create a debt or obligation to be discharged or performed out of moneys provided by Parliament.

As to Classification and Commitment of Prisoners.

Confinement
of prisoners
before and
during trial.

20. The Secretary of State may from time to time by any general or special rule appoint in any county a convenient prison or prisons in which prisoners are to be confined before and during trial, or at either of such times, and any prisoner who might, if this Act had not passed, have been lawfully confined in a prison situate within the area of such county may be lawfully confined in any prison or prisons so appointed: Moreover, the Secretary of State may by any general or special rule from time to time appoint any convenient prison or prisons in any adjoining county to which prisoners may be committed for trial, safe-custody, punishment, or otherwise, and any prisoners may be committed to such prison accordingly.

Confinement
of prisoners
after con-
viction.

21. The Secretary of State may from time to time by any general or special rule appropriate either wholly or partially particular prisons within his jurisdiction to particular classes of convicted criminal prisoners, and may remove any convicted criminal prisoner from any one prison to any other prison within his jurisdiction for the purpose of his undergoing the whole or any portion of his punishment in such prison; provided that a prisoner who is confined in a prison situate beyond the limits of the county, borough, or place in which he was convicted of his offence shall, at the time of his discharge, be entitled to be taken back at the public expense to the county, borough, or place in which he was so convicted.

Confinement
of debtors
and prison-
ers who are
not criminal
prisoners.

22. The Secretary of State may from time to time by any general or special rule appoint in any county a prison or prisons in which debtors and prisoners who are not criminal prisoners are to be confined during the period of their imprisonment, and it shall be

lawful to confine in any prison so appointed during the period of his imprisonment any debtor or prisoner who is not a criminal prisoner who might, if this Act had not passed, have been confined during such period in any prison situate within the area of the 5 county.

23. Subject to this Act, and any rules made in pursuance thereof, prisoners may be committed to the same prison to which they might have been committed if this Act had not passed. A.D. 1877.
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Saving as to
commitment
of prisoners.

The committal or imprisonment of a prisoner to or in a prison, if 10 otherwise valid, shall not be illegal by reason only that such prisoner ought, according to the law for the time being in force, to have been committed to, or imprisoned in some other prison, but any such prisoner as is mentioned in this section shall, on application made on his behalf in a summary manner to any judge of the 15 High Court of Justice, be entitled to be removed at the public expense to such other prison as aforesaid.

24. A prisoner shall be deemed to be in legal custody whenever he is being taken to, or whenever he is confined in, any prison in which he may be lawfully confined, or whenever he is working 20 outside or is otherwise beyond the walls of any such prison in the custody or under the control of a prison officer belonging to such prison, and any constable or other officer acting under the order of any justice of the peace or magistrate having power to commit a prisoner to prison may convey a prisoner to any prison to which he 25 may be legally committed or removed, notwithstanding such prison may be beyond the constablewick or other jurisdiction of such constable or officer in the same manner and with the same incidents as if such prison were within such constablewick or other jurisdiction.

25. Where any prisoner is discharged from prison, the Prison 30 Commissioners may order a sum of money, not exceeding *two pounds*, to be paid by the gaoler to the prisoner himself or to the treasurer of a certified prisoners aid society, on the gaoler receiving from such society an undertaking in writing, signed by the secretary thereof, to apply the same for the benefit of the prisoner. Legal cus-
tody of pri-
soner.

Allowance to
discharged
prisoners.

35

As to Jurisdiction.

26. The Secretary of State may from time to time, if he think it expedient so to do, for the purpose of any enactment, law, or custom, descriptive of or dependent on the circumstance of a prison being the prison of any county, riding, county of a city, 40 county of a town, liberty, borough, or other place having a separate

[1.]

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A.D. 1877. — prison jurisdiction, by any general or special rule direct that for such purpose as aforesaid any prison locally situate within the county in which such riding, county of a city, county of a town, liberty, borough, or place, is situate, or any prison which he may in pursuance of this Act have appointed as a prison to which prisoners 5 may be committed is to be considered to be the prison of such county, riding, county of a city, county of a town, liberty, borough, or other place, but subject to any such rule as in this section mentioned, and until the same be made the transfer under this Act of the prisons to which this Act applies, and of the powers and 10 jurisdiction of prison authorities, and of justices in sessions assembled, and of visiting justices, shall not affect the jurisdiction of any sheriff or coroner, or save as provided by this Act, of any justice of the peace or other officer having at the commencement of this Act jurisdiction in, over, or in respect of such prison. 15

Sheriff not liable for escape.

27. On and after the commencement of this Act the sheriff of any sheriffdom shall not be liable for the escape of any prisoner.

Prisoners under sentence of death.

28. Nothing in this Act contained shall affect the jurisdiction or responsibility of the sheriff in respect of prisoners under sentence of death, and confined in any prison within his jurisdiction, or his 20 jurisdiction or control over the prison where such prisoners are confined, and the officers thereof, so far as may be necessary for the purpose of carrying into effect the sentence of death, or for any purpose relating thereto; and in any prison in which sentence of death is required or authorised to be carried into effect on any 25 prisoner, the sheriff of the county in which the prison is situate shall, for the purposes of carrying that sentence into execution, be deemed to have the same jurisdiction with respect to such prison as he would by law have had with respect to the common gaol of his county if this Act had not passed, and such prison were the common 30 gaol of his county.

As to Discontinuance of Prisons.

Power of Secretary of State to discontinue prisons.

29. The Secretary of State may by order from time to time discontinue any prison or prisons which are vested in him by this Act, provided that in every county there remain at least one prison, 35 unless the Secretary of State otherwise order for special reasons to be stated in his order, and any order made by the Secretary of State in pursuance of this section, shall be laid before both Houses of Parliament forthwith if Parliament be sitting at the time of the order being made, or, if not then sitting, within one month after 40 the commencement of the then next session of Parliament.

30. When a prison to which this Act applies is discontinued the Secretary of State shall serve notice on the prison authority to which such prison originally belonged that he will, at any time within three months from the date of the service of such notice, 5 cause such prison, but without any furniture or effects belonging thereto, to be reconveyed to such authority on payment by such authority into the Exchequer, for the public use, of *one hundred and twenty pounds* in respect of each prisoner belonging to such prison authority for whom cell accommodation was provided in such 10 discontinued prison at the time of the passing of this Act.

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Effect of
discontinu-
ance of
prison.

A prison authority to whom a prison is reconveyed in pursuance of this section may sell or otherwise dispose of the same in such manner as they think fit.

If a prison authority declines to accept the offer of the recon- 15 veyance of the prison so made by the Secretary of State, or fail to pay or to secure to the satisfaction of the Secretary of State the payment of such sum into the Exchequer as is required to be paid by them in pursuance of this section, the prison shall be sold by the Secretary of State; and the Secretary of State, after 20 paying the expenses of such sale, and paying into the Exchequer the amount so required to be paid as aforesaid, shall render the overplus (if any) to the prison authority to which the prison originally belonged.

Any sum payable by a prison authority in pursuance of this 25 section shall be deemed to be a debt due from the prison authority to the Crown, and may be recovered accordingly.

For the purposes of this section a prison authority may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per cent. as the Treasury may 30 determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding *thirty-five years*.

For the purposes of this section the cell accommodation provided by a prison authority in all its prisons may be calculated, and if it 35 appears from such calculation that sufficient accommodation has been provided by such authority in other prisons belonging to such authority no sum shall be payable under this section by such prison authority in respect of the discontinued prison, and a proportionate deduction shall be made in the sum payable under this section by a 40 prison authority in the event of any partial accommodation in excess of the necessary accommodation having been provided in such other prisons belonging to that authority.

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Status of Prison Officers.

Position and
duties of
existing
officers of
prisons.

31. The officers attached to prisons at the time of the commencement of this Act (in this Act referred to as existing officers of a prison) shall hold their offices by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive 5 salaries of not less amount than those which they have hitherto received.

Such existing officers as aforesaid may be distributed amongst the several prisons to which this Act applies in such manner as may be directed by the Secretary of State, and they shall perform 10 such duties as they may be required to perform by the said Secretary of State, so that such duties are the same or analogous to those they performed previously to the commencement of this Act, and, subject as aforesaid, they shall perform the same duties as nearly as may be as they are performing at the time of the 15 commencement of this Act.

An existing officer of a prison who is at the commencement of this Act in the receipt of military or naval half-pay, or who has, at or before such commencement as aforesaid, commuted his pension in pursuance of the Pensions Commutation Act, 1871, or is in receipt 20 of any pension payable out of public moneys, shall not be subject to any deduction from his salary, or to be deprived of any portion of his half-pay, or of his pension, by reason of his salary being thenceforward paid out of public moneys, or of his employment becoming a public employment, or an employment of profit under 25 Her Majesty, within the meaning of the Acts of Parliament providing for such deduction of salary or deprivation of half-pay, nor be disqualified from receiving such half-pay or pension by reason of his becoming by virtue of this Act a civil servant of Her Majesty.

Discontinu-
ance of
prisons and
abolition of
office within
a year.
28 & 29 Vict.
c. 126. s. 72.

32. If at any time within one year after the commencement 30 of this Act any prison to which this Act applies is discontinued, or any office in any prison to which this Act applies is abolished, or any officer is retired or removed with a view to the reduction of the prison establishment or otherwise, the justices in sessions assembled having jurisdiction at or immediately before the com- 35 mencement of this Act, in respect of any such prison, may allow such compensation or allowance as they think fit to any existing officer of a prison who, by reason of such discontinuance or abolition, or retirement or removal, is deprived of any salary or emoluments, so that such compensation or allowance 40 does not exceed the proportion of the salary and emoluments, if any, which might be granted under similar circumstances to a person in the Civil Service under the Acts for regulating such

A.D. 1877.

compensations or allowances for the time being in force; and any compensation or allowance so allowed shall be paid out of any rates which, at or immediately before the commencement of this Act, were applicable to the payment of the salary of any such officer, subject to this proviso, that when the power to levy such rates was, at or immediately before the commencement of this Act, vested in a different body from the justices in sessions assembled, the consent of such last-mentioned body shall be obtained to the amount allowed; but this section shall not prejudice the right of any person to superannuation allowance under any other section of this Act.

33. If at any time after the commencement of this Act it appears to the Treasury that any existing officer of a prison has been in the prison service for not less than *twenty years*, and is not less than *sixty years* of age, or that any existing officer of a prison has become incapable, from confirmed sickness, age, or infirmity, or injury received in actual execution of his duty, of executing his office in person, and such sickness, age, infirmity, or injury is certified by a medical certificate, and there shall be a report of the Prison Commissioners testifying to his good conduct during his period of service under them, and recommending a grant to be made to him, the Treasury may grant to such officer, having regard to his length of prison service, an annuity, by way of superannuation allowance, not exceeding *two thirds* of his salary and emoluments, or a gratuity not exceeding the amount of his salary and emoluments for *one year*.

Superannuation of officers and abolition of office after a year.
28 & 29 Vict. c. 126. s. 15.

If any office in any prison to which this Act applies is abolished or any officer is retired or removed after the expiration of one year after the commencement of this Act, any existing officer of a prison who by reason of such abolition, retirement, or removal is deprived of any salary or emoluments, shall be dealt with in manner provided by the Superannuation Act, 1859, with respect to a person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs.

“Prison service,” for the purposes of this section, means, as respects the period before the commencement of this Act, service in a particular prison transferred to the Secretary of State, and as respects the period after the commencement of this Act, service in any such prison or in any other prison transferred to the Secretary of State under this Act.

A.D. 1877. Any annuity by way of superannuation allowance or gratuity granted under this section shall be apportioned between the period of service before the commencement of this Act, and the period of service after the commencement of this Act; and so much of such annuity or allowance as is payable in respect of service before the commencement of this Act, regard being had to the amount of salary then paid, shall be paid by the prison authority of the prison in which the officer to whom such annuity or allowance is granted was serving at the date of the commencement of this Act out of rates which at or immediately before the commencement of this Act were applicable to the payment of the salary of such officer, *and the residue shall be paid out of moneys provided by Parliament.*

As to Miscellaneous Matters.

Relaxation
of the law
relating to
hard labour.

34. Whereas in pursuance of the 34th regulation of the first schedule annexed to the Prison Act, 1865, a male person of sixteen years and upwards sentenced to hard labour is directed to be kept to hard labour of the first class during the whole of his sentence where it does not exceed three months, and during the first three months of his sentence where it exceeds three months; and whereas it is expedient to amend the said regulation: Be it enacted, that the Secretary of State may in either of such cases substitute hard labour of the second class for hard labour of the first class during the last *two* of such three months as aforesaid, or any part of such last two months, and he may make such substitution either by a general or special regulation, and either conditionally or unconditionally, and may from time to time vary any regulation so made. In making any regulations in pursuance of this section, the Secretary of State shall have regard to the previous convictions, the industry, and the conduct of the prisoners.

Rules as to
treatment of
prisoners
before trial,
and prisoners
confined for
nonpayment
of sums in
the nature of
debts.

35. The Secretary of State may from time to time make, and when made repeal, alter, or add to rules with respect to the classification and treatment of criminal prisoners before conviction, and of prisoners imprisoned for non-compliance with the order of a justice or justices to pay a sum of money, or imprisoned in respect of the default of a distress to satisfy a sum of money adjudged to be paid by order of a justice or justices, so that such rules are in mitigation and not in increase of the effect of such imprisonment, as regulated by the Prison Act, 1865.

Transfer of
duties of
existing
inspectors of
prisons.

36. On and after the commencement of this Act, any duties required by Act of Parliament or otherwise to be performed by an inspector of prisons appointed in pursuance of the Act of the session of the fifth and sixth years of King William the Fourth,

chapter thirty-eight, may, subject to any directions to be given by the Secretary of State, be performed by any Prison Commissioner or inspector appointed under this Act. A.D. 1877.

The persons who at the commencement of this Act hold the offices of Inspectors of Prisons, under such last-mentioned Act, shall become inspectors under this Act, in the same manner and liable to the performance of the same duties as if they had been appointed inspectors in pursuance of this Act, subject to the following qualifications, namely—

- 10 (1.) Every such inspector shall hold his office by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive a salary of not less amount than that which he has hitherto received; and
- 15 (2.) Any duties they may be required to perform in pursuance of this Act shall be the same or analogous duties to those which they performed previously to the commencement of this Act.

The seventh section of the Act of the session of the fifth and sixth years of William the Fourth, chapter thirty-eight, shall be repealed from and after the commencement of this Act, in so far as respects England.

37. A prison authority may borrow any moneys authorised to be borrowed by them under this Act as one loan or as several loans in manner provided by the Local Loans Act, 1875, on the security of any rate or property which would, if this Act had not passed, have been applicable to the maintenance of the prisons within the jurisdiction of such authority, and such prison authority may levy such rate or apply such property in the same manner in all respects as if this Act had not passed.

Power of prison authority to borrow on rate.

38. The period for the discharge of a loan under this Act shall be deemed to begin at the date of the first advance of money made on account of any such loan or loans.

38. The Public Works Loan Commissioners may advance to any prison authority on the security of such rate or property as aforesaid, any moneys authorised to be borrowed by the prison authority for the purposes of this Act.

Power of Public Works Loan Commissioners to lend.

The Public Works Loan Commissioners shall take, in respect of any loan advanced by them under this Act, in preference to any other securities, all or such one or more of the securities issuable under the Local Loans Act, 1875, as they may prefer; and for the purposes of any loan so made, and so far as relates to the securities taken and to the recovery of the moneys due on such securities, the Local Loans Act, 1875, shall be deemed to be substituted for the Public Works Loans Act, 1875.

A.D. 1877.

Legal estate
in prison.

39. The legal estate in every prison to which this Act applies, and in the site and land belonging thereto, and in the furniture and effects, shall, on and after the commencement of this Act, be deemed to be vested in the Prison Commissioners and not in the Secretary of State, but shall from time to time be disposed of by such Commissioners in such mode as the Secretary of State, with the consent of the Treasury, may direct.

Appropriation of court-houses situate within the precincts of a prison.

40. Court-houses or other rooms situate within the curtilage of a prison or forming part of a prison as defined by this Act, and which court-houses or other rooms are used for the holding assizes or petty sessions, or for purposes other than those connected with the management of a prison, shall not be transferred to or vested in the Secretary of State under this Act, but it shall be lawful for the Secretary of State, if he thinks it desirable to purchase such court-houses or other rooms so situate as aforesaid from the local authority to whom the same belong, and for the purposes of such purchase the Lands Clauses Consolidation Acts, 1845, 1860, and 1869 shall be incorporated with this section, and in the construction of the said incorporated Acts this Act shall be deemed to be the special Act, and the Secretary of State shall be deemed to be the promoter of the undertaking.

Protection of prisons in the nature of national monuments.

41. Any buildings which being in the nature of national monuments are as to certain portions thereof used as prisons shall, as to the portions so used during such time as they are used by the Secretary of State, be maintained in such manner as to prevent their being defaced or injured in their character of national monuments.

Rules of Secretary of State, and repeal of inconsistent enactments.

42. Any rule made by a Secretary of State, in pursuance of this Act, shall be of the same force as if enacted by Parliament, and may be proved in manner in which regulations made under the authority of one of Her Majesty's Principal Secretaries of State are capable of being proved in pursuance of the Documentary Evidence Act, 1868, and all enactments inconsistent with this Act, or with any such rules made thereunder are hereby repealed.

Saving clause as to reformatory and industrial schools.

43. Nothing in this Act contained shall affect the powers or jurisdiction of a prison authority in relation to any reformatory school or to any industrial school under the Reformatory Schools Act, 1866, and the Industrial Schools Act, 1866, or either of such Acts, or any Act amending the said Acts, or either of them.

Saving clause as to pensions.

44. Nothing in this Act contained shall entitle any existing officer of a prison to any superannuation or other allowance the conditions of whose office would not have entitled him to superannuation or other allowance under the Prison Act, 1865.

Arrangement and Arbitration.

A.D. 1877.

45. The Secretary of State on the one hand (with the assent of the Treasury so far as any public moneys are concerned) and a prison authority on the other, may, with a view to carry into effect the purposes of this Act, compromise any matter, or settle any difference, or refer to arbitration any matter or difference.

Power for Secretary of State and prison authority to compromise and refer to arbitration.

A reference to arbitration under this Act shall be to a single arbitrator, and the provisions of the Common Law Procedure Act, 1854, shall apply accordingly.

10

Definitions.

46. The expression "furniture and effects belonging to a prison" includes all furniture, beds, bedding, clothes, linen, implements, machinery, and stores, also all books, papers, registers, and documents whatsoever relating to such prison or to the prisoners therein, also all articles whatsoever, whether or not of the same kind as those previously described, belonging at the commencement of this Act to the prison authority of any prison for the purposes of such prison.

Definition of "furniture and effects belonging to a prison."

47. A "prisoner" for the purposes of this Act means any person committed to prison on remand or for trial, safe custody, punishment, or otherwise, and "the maintenance of a prisoner" includes all such necessary expenses incurred in respect of a prisoner for food, clothing, custody, safe conduct, and removal from one place of confinement to another, or otherwise, from the period of his committal to prison until his death or discharge from prison, as would if this Act had not passed have been payable by a prison authority with this proviso that nothing in this Act shall exempt a prisoner from payment of any costs or expenses in respect of his conveyance to prison or otherwise which he would have been liable to pay if this Act had not passed.

Definition of "prisoner" and "maintenance of prisoner."

For the purposes of this Act, the prisoners belonging to a prison authority shall, as nearly as can be ascertained, be deemed to be the average daily number of prisoners maintained at the expense of such authority, whether in its own prison or in a prison belonging to some other prison authority during the five years immediately preceding the *first day of January one thousand eight hundred and seventy-seven*.

"Cell accommodation for a prisoner" means a cell for the separate confinement of such prisoner certified in pursuance of "The Prison Act, 1865."

[1.]

C

A.D. 1877. 48. In the construction of this Act, unless there is something inconsistent in the context,—

Definition
of "county"
and "riding."

"County" means a county at large, inclusive of any riding, division, or parts of a county having a separate court of quarter sessions :

5

"Riding" means any riding, division, or parts of a county having a separate court of quarter sessions.

The city of London shall be deemed to be a county, and any prison belonging to the city of London to be situate within the limits of that city.

10

Save as aforesaid, all counties of cities, counties of towns, liberties and franchises of counties, shall be considered as forming part of the county by which they are surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they have the longest common boundary.

15

Definition of
"borough."

49. "Borough" means a place which is for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth (chapter seventy-six), "to provide for the regulation of municipal corporations in England and Wales," inclusive of any county of a city or county of a town.

20

Definition of
"prison."

50. "Prison," in addition to the meaning attached to it by the Prison Act, 1865, includes any land or building bought, or contracted to be bought before the commencement of this Act by a prison authority, for the purpose of enlarging or altering any prison, or adding to the appurtenances of any prison, subject to this proviso that if the Secretary of State is of opinion that any portion of the lands so bought or contracted to be bought was not at the time of the passing of this Act necessary for the purposes of such prison, he may direct that such portion shall be reconveyed to the prison authority.

25

30

Definition
of "prison
authorities,"
"justices
in sessions
assembled,"
"visiting
justices."

51. In this Act the expressions "prison authorities," "justices in sessions assembled," and "visiting justices" shall respectively have the same meaning in relation to any prison as they have in "The Prison Act, 1865," and expressions defined in that Act have the same meaning also in this Act.

35

Prisons.

A

B I L L

To amend the Law relating to Prisons
in England.

(Prepared and brought in by
Mr. Secretary Cross and Sir Henry Selwin-
Ibbetson.)

Ordered, by The House of Commons, to be Printed,
9 February 1877.

[Bill 1.]

Under 3 oz.

Prisons Bill.

[AS AMENDED IN COMMITTEE.]

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Clause.

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2. Commencement of Act.
3. Application of Act.

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Transfer of Prisons.

4. Maintenance of prisons and prisoners out of public funds.
5. Prisons to vest in Secretary of State.

ADMINISTRATION OF PRISONS.

Prison Commissioners.

6. Appointment of Prison Commissioners.
7. Appointment of inspectors, officers, and servants.
8. Salaries.
9. Duties of Prison Commissioners.
10. Report to contain information as to manufacturing processes in prison.
11. Reports by Prison Commissioners.
12. Return of punishments and complaints of prisoners to be made yearly.

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13. Appointment of visiting committee of prisons.
14. Duties of visiting committee.
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24. Confinement of prisoners before and during trial.
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26. Confinement of debtors and prisoners who are not criminal prisoners.
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31. Sheriff not liable for escape.
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33. Power of Secretary of State to discontinue prisons.
34. Effect of discontinuance of prison.

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35. Position and duties of existing officers of prisons.
36. Superannuation of officers and abolition of office after a year.

As to Miscellaneous Matters.

Clause.

37. Relaxation of the law relating to hard labour.
38. Rules as to treatment of prisoners before trial, and prisoners confined for nonpayment of sums in the nature of debts.
39. Special rules as to treatment of unconvicted prisoners and certain other prisoners.
40. Treatment of prisoners convicted of sedition, &c.
41. Transfer of duties of existing inspectors of prisons.
42. Power of prison authority to borrow on rate.
43. Power of Public Works Loan Commissioners to lend.
44. Legal estate in prison.
45. Appropriation of court-houses situate within the precincts of a prison.
46. Protection of prisons in the nature of national monuments.
47. Rules of Secretary of State and repeal of inconsistent enactments.
48. Saving clause as to reformatory and industrial schools.
49. Saving clause as to pensions.

Arrangement and Arbitration.

50. Power for Secretary of State and prison authority to compromise and refer to arbitration.

Definitions.

51. Definition of "furniture and effects belonging to a prison."
 52. Definition of "prisoner" and "maintenance of prisoner."
 53. Definition of "county" and "riding."
 54. Definition of "borough."
 55. Definition of "prison."
 56. Definition of "prison authorities," "justices in sessions assembled," "visiting justices."
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A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to Prisons in England.

A.D. 1877.
—

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Preliminary.*

1. This Act may be cited for all purposes as the Prison Act, 1877. Short title
of Act.

2. This Act shall, except as is herein-after otherwise provided, come into operation on the first day of April one thousand eight hundred and seventy-eight, which day is herein-after referred to as the commencement of this Act. Commence-
ment of Act.

3. This Act shall not extend to Scotland or Ireland, but shall apply to all prisons belonging to any prison authority as defined by the Prison Act, 1865. Application
of Act.

15

PART I.

TRANSFER AND ADMINISTRATION OF PRISONS.

Transfer of Prisons.

4. On and after the commencement of this Act all expenses incurred in respect of the maintenance of prisons to which this Act applies, and of the prisoners therein, shall be defrayed out of moneys provided by Parliament. Maintenance
of prisons
and prisoners
out of public
funds.

5. Subject as in this Act mentioned—

(1.) The prisons to which this Act applies, and the furniture and effects belonging thereto ; also

25 (2.) The appointment of all officers, and the control and safe custody of the prisoners in the prisons to which this Act applies ; also all powers and jurisdiction at common

[Bill 121.]

A

Prisons to
vest in
Secretary
of State.

A.D. 1877.

law or by Act of Parliament or by charter vested in or exerciseable by prison authorities or the justices in sessions assembled, in relation to prisons or prisoners within their jurisdiction,

shall, on and after the commencement of this Act, be transferred to, 5 vested in, and exercised by one of Her Majesty's Principal Secretaries of State, in this Act referred to as the Secretary of State.

ADMINISTRATION OF PRISONS.

Prison Commissioners.

Appointment
of Prison
Commis-
sioners.

6. For the purpose of aiding the Secretary of State in carrying 10 into effect the provisions of this Act relating to prisons, Her Majesty may, on the recommendation of the Secretary of State, at any time and from time to time after the passing of this Act by warrant under her sign manual appoint any number of persons to be Commissioners during Her Majesty's pleasure, so that the whole number 15 of Commissioners appointed do not at any one time exceed five, and may, on the recommendation of the Secretary of State, on the occasion of any vacancy in the office of any Commissioner by death, resignation, or otherwise, by the like warrant, appoint some other fit person to fill such vacancy. The Commissioners so appointed 20 shall be a body corporate with a common seal, with power to hold land without license in mortmain so far as may be necessary for the purposes of this Act, and shall be styled "The Prison Commissioners."

The Secretary of State may from time to time appoint one of the 25 Commissioners to be chairman.

Any act or thing required or authorised to be done by the Prison Commissioners may be done by any one or more of them as the Secretary of State may by general or special rule direct.

Appointment
of inspectors,
officers, and
servants.

7. The Prison Commissioners shall be assisted in the perform- 30 ance of their duties by such number of inspectors, storekeepers, accountants, and other officers and servants as may, with the sanction of the Treasury as to number, be determined by the Secretary of State. The inspectors shall be appointed by the Secretary of State, the other officers and servants of the Prison 35 Commissioners by the Prison Commissioners themselves, subject to the approval of the Secretary of State.

Salaries.

8. There may be paid, out of moneys provided by Parliament, to all or any one or more of the Prison Commissioners such salary for their or his services as the Secretary of State may, with the consent 40 of the Treasury, determine.

There shall be paid, out of moneys provided by Parliament, to the inspectors and other officers and servants of the Prison Commissioners such salaries as the Secretary of State may, with the consent of the Treasury, determine. A.D. 1877.

- 5 **9.** The general superintendence of prisons under this Act shall be vested in the Prison Commissioners, subject to the control of the Secretary of State. Duties of
Prison
Commis-
sioners.

Subject as in this Act mentioned, the Prison Commissioners shall appoint all such officers of a prison as are by the Prison Act, 1865, declared to be subordinate officers of a prison, such appointments to be for general prison service. The Prison Commissioners shall also make contracts, and do all other acts necessary for the maintenance of the prisons and prisoners within their jurisdiction.

10 Subject to the control of the Secretary of State, the Prison Commissioners, by themselves or their officers, shall visit and inspect the prisons within their jurisdiction, and shall examine into the state of the buildings, so as to form a judgment as to the repairs, additions, or alterations which may appear necessary, regard being had to the requisitions of the Prison Act, 1865, as amended by this Act, with respect to the separation of prisoners and enforcement of hard labour, and shall further examine into the conduct of the respective officers and the treatment and conduct of the prisoners, the means of setting them to work, the amount of their earnings, and the expenses attending the prison, and shall inquire into all abuses within the prison, and regulate all matters required to be regulated by them.

15 Subject to the control of the Secretary of State, the Prison Commissioners, or any one or more of them, may, in addition to any powers otherwise conferred on them by this Act, exercise in relation to any prison under this Act, and the prisoners therein, all powers and jurisdiction by any Act of Parliament or at common law, or by charter, exerciseable by visiting justices, or a visiting justice, of a prison. And any reports, acts, or things required to be made or done to or by or in relation to the visiting justices, or a visiting justice, of a prison, at common law or by any Act of Parliament, or by charter, shall, except in so far as is otherwise provided by this Act, be made or done to or by or in relation to the Prison Commissioners, or any one or more of them, or to or by or in relation to such persons or person as the Secretary of State may from time to time appoint.

The Prison Commissioners shall, in the exercise of their powers and jurisdiction under this Act, conform to any directions which

A.D. 1877. may from time to time be given to them by the Secretary of State.

Report to contain information as to manufacturing processes in prison.

10. The annual report of the Prison Commissioners required by this Act to be laid before both Houses of Parliament shall state the various manufacturing processes carried on in each of the prisons 5 within their jurisdiction, and such statement shall contain such particulars as to the kind and quantities of, and as to the value of the labour on the manufactures, as to the number of prisoners employed, and otherwise, as may, in the opinion of the Secretary of State, be best calculated to afford information to Parliament. 10

Reports by Prison Commissioners.

11. The Prison Commissioners shall, at such time or times as the Secretary of State may direct, make a report or reports to the Secretary of State of the condition of the prisons and prisoners within their jurisdiction, and an annual report to be made by them with respect to every prison within their jurisdiction shall be laid 15 before both Houses of Parliament.

Return of punishments and complaints of prisoners to be made yearly.

12. The Prison Commissioners shall make a yearly return to Parliament of all punishments of any kind whatsoever which may have been inflicted within the prison upon convicts.

Visiting Committee of Justices.

20

Appointment of visiting committee of prisons.

13. On and after the commencement of this Act there shall be repealed the fifty-third and fifty-fourth sections of the Prison Act, 1865, relating to the appointment and duties of visiting justices.

A visiting committee shall be annually appointed for every prison under this Act, consisting of such number of persons being justices of 25 the peace to be appointed at such time and by such court of quarter sessions or such bench or benches of magistrates as the Secretary of State, having regard to the locality of the prison, to the justices heretofore having jurisdiction over such prison, and to the class of prisoners to be confined in such prison, may from time to time by any 30 general or special rule prescribe. In the following manner; namely,

The justices of any county, riding, or liberty of a county having a separate court of quarter sessions shall appoint members of a visiting committee when assembled at such general or quarter sessions as may be prescribed by the Secretary of State. 35

The justices of a borough shall hold special sessions at such time, as may be prescribed by the Secretary of State, for the purpose of appointing any members of a visiting committee they may be required to appoint.

Provided that, in the application of this Act to the Worcester 40 Prison as constituted by the Worcester Prison Act, 1867, so long

as the said prison is continued as a prison for the purposes of this Act, the appointment of such number of justices of the city of Worcester, as the Secretary of State in pursuance of this section may prescribe to be appointed to serve on the visiting committee
 5 in respect of the said prison, shall be vested in the corporation acting by the council of the said city. A.D. 1877.

Nothing in this Act, or in any rules to be made under this Act, shall restrict any member of the visiting committee for any prison from visiting the prison at any time, and any such member shall at
 10 all times have free access to every part of the prison, and to every prisoner therein.

14. The Secretary of State shall, on or before the commencement of this Act, make and publish, and may hereafter from time to time repeal, alter, or add to rules with respect to the duties
 15 of a visiting committee, and such committee shall conform to any rules so made and for the time being in force, but subject as aforesaid, the members of such committee shall from time to time and at frequent intervals visit the prison for which they are appointed, and hear any complaints which may be made to them by the
 20 prisoners. They shall report on any abuses within the prison, and also, on any repairs which may be urgently required in the prison, and shall further take cognizance of any matters of pressing necessity and within the powers of their commission as justices, and do such acts and perform such duties in relation to a prison
 25 as they may be required to do or perform by the Secretary of State.

The visiting committee shall be deemed to be visiting justices for all the purposes of the regulations relating to the punishment of prisoners numbered 58 and 59 in the first schedule annexed to the Prison Act, 1865, or either of such regulations, and any member
 30 of a visiting committee may exercise any power, or do any act, or receive any report which any one justice may exercise, do, or receive under the said regulations numbered 58 and 59, or either of them.

The visiting committee shall report to the Secretary of State any matters with respect to which they may consider it expedient,
 35 and shall report to the Secretary of State, as soon as may be and in such manner as he may direct, any matter respecting which they may be required by him to report.

15. Section fifty-five of "The Prisons Act, 1865," is hereby repealed, and instead thereof the following enactment shall take
 40 effect, viz. : Duties of visiting committee.

Any justice of the peace, having jurisdiction in the place in which a prison is situate, or having jurisdiction in the place where

A.D. 1877. the offence in respect of which any prisoner may be confined in prison was committed, may, when he thinks fit, enter into and examine the condition of such prison, and of the prisoners therein, and he may enter any observations he may think fit to make in reference to the condition of the prison or abuses therein in the visitors book to be kept by the gaoler; and it shall be the duty of the gaoler to draw the attention of the visiting committee, at their next visit to the prison, to any entries made in the said book; but he shall not be entitled, in pursuance of this section, to visit any prisoner under sentence of death, or to communicate with any prisoner, except in reference to the treatment in prison of such prisoner, or to some complaint that such prisoner may make as to such treatment.

PART II.

SUPPLEMENTAL PROVISIONS.

15

As to Obligation to maintain Prisons.

Termination
of local ob-
ligation to
maintain
prisons.

16. On and after the commencement of this Act the obligation of any county, riding, division, hundred, liberty, franchise, borough, town, or other place having a separate prison jurisdiction, to maintain a prison or to provide prison accommodation for its prisoners shall cease. 20

Compensa-
tion to be
made in
place of
prison
accommoda-
tion.

17. Where at the time of the passing of this Act any prison authority has no prison of its own, or has not a prison or prisons of its own adequate to the accommodation of the prisoners belonging to such authority, it shall pay into the receipt of the Exchequer one hundred and twenty pounds in respect of each prisoner belonging to such prison authority for whom cell accommodation has not at such time as last aforesaid been provided by such authority in a prison of its own. 25

Any sum payable by a prison authority in pursuance of this section shall be deemed to be a debt due from the prison authority to the Crown, and may be recovered accordingly. 30

Where one prison authority has contributed a sum of money towards the construction by some other prison authority of cell accommodation for the use of the prisoners of the contributing authority, and such cell accommodation has been constructed accordingly, then in assessing the sum payable into the Exchequer by the contributing authority under this section, the contribution so 35

made shall be taken into consideration, and a proportionate deduction be made accordingly. A.D. 1877.

For the purposes of this section a prison authority may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per cent. as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding thirty-five years.

18. Where before the first day of June one thousand eight hundred and seventy-seven any prison authority, having more than sufficient cell accommodation for the number of prisoners belonging to such prison authority, and which prison authority is in this section called the receiving authority, has contracted with any other prison authority, in this section called the sending authority, that the receiving authority is to receive into its prisons any prisoners belonging to such sending authority, and such receiving authority has in the performance of such contract provided cell accommodation for the prisoners of the sending authority, there shall be paid to the receiving authority, out of moneys provided by Parliament, any loss it may have so sustained in relation to such contract for cell accommodation by reason of the passing of this Act, so that the expense of providing cell accommodation for any one prisoner shall not in any case be held to have exceeded the sum of one hundred and twenty pounds; and where a prison authority has provided a prison of its own more than adequate for the accommodation of the prisoners belonging to such authority, it shall be entitled to receive, out of moneys to be provided by Parliament, compensation to the extent of one hundred and twenty pounds in respect of each cell provided in such prison over and above the number of cells required for the maximum number of prisoners maintained at the expense of such authority at any one time in its own prison during the five years immediately preceding the first day of January one thousand eight hundred and seventy-seven: Provided always, that in case the Prison Commissioners shall report to the Secretary of State that the prison accommodation is in excess of the probable requirements of such district, or that the buildings are dilapidated or unsuitable, it shall be lawful for the Secretary of State to decline to recommend to the Treasury to make such compensation, in whole or in part, as the circumstances of the case may demand.

19. Where at the time of the passing of this Act a prison authority has contracted to construct a building to be used as a prison, but such building has not at the commencement of this Act been

Compensation to be made to prison authority in respect of accommodation provided for prisoners of some other authority.

Allowance to be made to prison authority in

A.D. 1877.
—
respect of
uncompleted
prison.

completed or become a prison within the meaning of this Act, the Secretary of State may, if he thinks fit so to do, allow the prison authority time to complete such building as a prison, and when so completed it shall pass over to and vest in the Secretary of State as a prison completed at the commencement of this Act, but if 5 the Secretary of State does not think fit to allow time for the completion of such prison as aforesaid, he shall, nevertheless, in assessing the amount of compensation payable in respect of cell accommodation, make, with the consent of the Treasury, from the compensation payable as aforesaid, such deduction as, having regard 10 to all the circumstances of the case, may be agreed upon or as may, in the event of disagreement between the Secretary of State and the prison authority, be determined by arbitration.

As to Contracts and Debts.

General
saving of
rights of
creditors.

20. Nothing in this Act contained shall (save as in this Act 15 mentioned with respect to contracts and obligations between prison authorities) affect any right or claim of any creditor of a prison authority under any contract legally made or in respect of any dealing legally had before the commencement of this Act, and between such creditor and the prison authority of which he is a 20 creditor such contract may be enforced in the same manner in all respects as if this Act had not passed.

Determina-
tion of
contracts
between
prison au-
thorities.

21. Any contract made or obligation undertaken by any prison authority with any other prison authority for or in relation to the maintenance of any prison or prisoners, or any matter relating to 25 such maintenance, shall be deemed to be determined on and after the commencement of this Act, without prejudice nevertheless to any moneys which may have accrued due under or in respect of such contract or obligation at or before the commencement of this Act. 30

Existing
debts to be
defrayed
by prison
authorities.

22. There shall be defrayed by a prison authority in the same manner as if this Act had not passed :

- (1.) All debts due and sums of money payable in respect of con-
tracts performed, dealings completed, or any matter or
thing done before the commencement of this Act; and, 35
- (2.) All mortgage debts (together with interest from time to time
accruing thereon) contracted in respect of any prison.

A mortgage debt in this section shall include any moneys which at the commencement of this Act have been borrowed or contracted to be borrowed by a prison authority on the security of any prison, 40 or on the security of any rate applicable to the payment of the

expenses of a prison, also any debt or liability contracted before the commencement of this Act, for the payment of which debt or liability money is authorised to be borrowed in pursuance of section twenty-three of the Prison Act, 1865. A.D. 1877.

- 5 23. Where any contract or dealing, in which any prison authority is concerned, is a continuous contract or dealing, to be performed partly before and partly after the commencement of this Act, and is not a contract or dealing which is declared by this Act to have determined, and is not a mortgage debt as defined by the previous
10 section, such contract or dealing shall be deemed to be divisible, and as to so much thereof as is performable before the commencement of this Act, shall create a debt or obligation to be discharged or performed by the prison authority concerned therein, and as to so much thereof as is performable after the commencement
15 of this Act, shall create a debt or obligation to be discharged or performed out of moneys provided by Parliament.
- Provision as to continuing contracts.

As to Classification and Commitment of Prisoners.

24. The Secretary of State may from time to time by any general or special rule appoint in any county a convenient prison or prisons
20 in which prisoners are to be confined before and during trial, or at either of such times, and any prisoner who might, if this Act had not passed, have been lawfully confined in a prison situate within the area of such county may be lawfully confined in any prison or prisons so appointed: Moreover, the Secretary of State may by any
25 general or special rule from time to time appoint any convenient prison or prisons in any adjoining county to which prisoners may be committed for trial, safe-custody, or otherwise, and any prisoners may be committed to such prison accordingly.
- Confinement of prisoners before and during trial.

25. The Secretary of State may from time to time by any general or special rule appropriate either wholly or partially particular
30 prisons within his jurisdiction to particular classes of convicted criminal prisoners, and may remove any convicted criminal prisoner from any one prison to any other prison within his jurisdiction for the purpose of his undergoing the whole or any portion of his
35 punishment in such prison; provided that a prisoner who is confined in a prison situate beyond the limits of the county, borough, or place in which he was convicted of his offence shall, at the time of his discharge, be entitled to be taken back at the public expense to the county, borough, or place in which he was
40 so convicted.
- Confinement of prisoners after conviction.

A.D. 1877.

Confinement
of debtors
and prison-
ers who are
not criminal
prisoners.

26. The Secretary of State may from time to time by any general or special rule appoint in any county a prison or prisons in which debtors and prisoners who are not criminal prisoners are to be confined during the period of their imprisonment, and it shall be lawful to confine in any prison so appointed during the period of 5 his imprisonment any debtor or prisoner who is not a criminal prisoner who might, if this Act had not passed, have been confined during such period in any prison situate within the area of the county.

Saving as to
commitment
of prisoners.

27. Subject to this Act, and any rules made in pursuance 10 thereof, prisoners may be committed to the same prison to which they might have been committed if this Act had not passed.

The committal or imprisonment of a prisoner to or in a prison, if otherwise valid, shall not be illegal by reason only that such prisoner ought, according to the law for the time being in force, to have 15 been committed to, or imprisoned in some other prison, but any such prisoner as is mentioned in this section shall, on application made on his behalf in a summary manner to any judge of the High Court of Justice, be entitled to be removed at the public expense to such other prison as aforesaid. 20

Legal cus-
tody of pri-
soner.

28. A prisoner shall be deemed to be in legal custody whenever he is being taken to, or whenever he is confined in, any prison in which he may be lawfully confined, or whenever he is, working outside or is otherwise beyond the walls of any such prison in the custody or under the control of a prison officer belonging to such 25 prison, and any constable or other officer acting under the order of any justice of the peace or magistrate having power to commit a prisoner to prison may convey a prisoner to any prison to which he may be legally committed or removed, notwithstanding such prison may be beyond the constablewick or other jurisdiction of such con- 30 stable or officer in the same manner and with the same incidents as if such prison were within such constablewick or other jurisdiction.

Allowance to
discharged
prisoners.

29. Where any prisoner is discharged from prison, the Prison Commissioners may, on the recommendation of the visiting committee or otherwise, order a sum of money, not exceeding two 35 pounds, to be paid by the gaoler to the prisoner himself or to the treasurer of a certified prisoners aid society or refuge, on the gaoler receiving from such society an undertaking in writing, signed by the secretary thereof, to apply the same for the benefit of the prisoner.

As to Jurisdiction.

40

Jurisdiction
of sheriff,

30. The Secretary of State may from time to time, if he think it expedient so to do, for the purpose of any enactment, law, or

custom, descriptive of or dependent on the circumstance of a prison being the prison of any county, riding, county of a city, county of a town, liberty, borough, or other place having a separate prison jurisdiction, by any general or special rule direct that for
 5 such purpose as aforesaid any prison locally situate within the county in which such riding, county of a city, county of a town, liberty, borough, or place, is situate, or any prison which he may in pursuance of this Act have appointed as a prison to which prisoners may be committed is to be considered to be the prison of such
 10 county, riding, county of a city, county of a town, liberty, borough, or other place, but subject to any such rule as in this section mentioned, and until the same be made the transfer under this Act of the prisons to which this Act applies, and of the powers and jurisdiction of prison authorities, and of justices in sessions assembled, and of visiting justices, shall not affect the jurisdiction of
 15 any sheriff or coroner, or save as provided by this Act, of any justice of the peace or other officer having at the commencement of this Act jurisdiction in, over, or in respect of such prison.

A.D. 1877.
 coroner, and
 other officers.

31. On and after the commencement of this Act the sheriff of
 20 any sheriffdom shall not be liable for the escape of any prisoner.

Sheriff not
 liable for
 escape.

32. Nothing in this Act contained shall affect the jurisdiction or responsibility of the sheriff in respect of prisoners under sentence of death, and confined in any prison within his jurisdiction, or his jurisdiction or control over the prison where such prisoners are
 25 confined, and the officers thereof, so far as may be necessary for the purpose of carrying into effect the sentence of death, or for any purpose relating thereto; and in any prison in which sentence of death is required or authorised to be carried into effect on any prisoner, the sheriff of the county in which the prison is situate
 30 shall, for the purposes of carrying that sentence into execution, be deemed to have the same jurisdiction with respect to such prison as he would by law have had with respect to the common gaol of his county if this Act had not passed, and such prison were the common gaol of his county.

Prisoners
 under
 sentence of
 death.

35 *As to Discontinuance of Prisons.*

33. The Secretary of State may by order from time to time discontinue any prison or prisons which are vested in him by this Act, provided that in every county there remain at least one prison,
 40 unless the Secretary of State otherwise order for special reasons to be stated in his order, and any order made by the Secretary of State in pursuance of this section, shall be laid before both Houses

Power of
 Secretary of
 State to dis-
 continue
 prisons.

A.D. 1877. — of Parliament forthwith if Parliament be sitting at the time of the order being made, or, if not then sitting, within one month after the commencement of the then next session of Parliament.

Effect of
discontinu-
ance of
prison.

34. When a prison to which this Act applies is discontinued, the Secretary of State shall serve notice on the prison authority to 5 which such prison originally belonged that he will, at any time within a period not less than six months, to be prescribed by the Secretary of State, from the date of the service of such notice, cause such prison, but without any furniture or effects belonging thereto, to be reconveyed to such authority on payment by such 10 authority into the Exchequer, for the public use, of one hundred and twenty pounds in respect of each prisoner belonging to such prison authority for whom cell accommodation was provided in such discontinued prison at the time of the passing of this Act, and on repayment by such authority of any compensation it may have 15 received out of moneys provided by Parliament in respect of its having provided a prison of its own more than adequate for the accommodation of the prisoners belonging to such authority.

A prison authority to whom a prison is reconveyed in pursuance of this section may sell or otherwise dispose of the same in such 20 manner as they think fit.

If a prison authority declines to accept the offer of the reconveyance of the prison so made by the Secretary of State, or fail to pay or to secure to the satisfaction of the Secretary of State the payment of such sum into the Exchequer as is required to be 25 paid by them in pursuance of this section, the prison shall be sold by the Secretary of State; and the Secretary of State, after paying the expenses of such sale, and paying into the Exchequer the amount so required to be paid as aforesaid, shall render the overplus (if any) to the prison authority to which the prison 30 originally belonged.

Any sum payable by a prison authority in pursuance of this section shall be deemed to be a debt due from the prison authority to the Crown, and may be recovered accordingly.

For the purposes of this section a prison authority may borrow, 35 and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per cent. as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding thirty-five years. 40

For the purposes of this section the cell accommodation provided by a prison authority in all its prisons may be calculated, and if it

appears from such calculation that sufficient accommodation has been provided by such authority in any one prison or prisons belonging to such authority no sum shall be payable under this section by such prison authority in respect of the discontinued prison, and a proportionate deduction shall be made in the sum payable under this section by a prison authority in the event of any partial accommodation in excess of the necessary accommodation having been provided in such other prisons belonging to that authority.

A.D. 1877.

Status of Prison Officers.

- 10 **35.** The officers attached to prisons at the time of the commencement of this Act (in this Act referred to as existing officers of a prison) shall hold their offices by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive salaries of not less amount than those which they have hitherto
15 received.

Position and
duties of
existing
officers of
prisons.

Such existing officers as aforesaid may be distributed amongst the several prisons to which this Act applies in such manner as may be directed by the Secretary of State, and they shall perform such duties as they may be required to perform by the said
20 Secretary of State, so that such duties are the same or analogous to those they performed previously to the commencement of this Act, and, subject as aforesaid, they shall perform the same duties as nearly as may be as they are performing at the time of the commencement of this Act.

- 25 An existing officer of a prison who is at the commencement of this Act in the receipt of military or naval half-pay, or who has, at or before such commencement as aforesaid, commuted his pension in pursuance of the Pensions Commutation Act, 1871, or is in receipt of any pension payable out of public moneys, shall not be subject
30 to any deduction from his salary, or to be deprived of any portion of his half-pay, or of his pension, by reason of his salary being thenceforward paid out of public moneys, or of his employment becoming a public employment, or an employment of profit under Her Majesty, within the meaning of the Acts of Parliament providing for such deduction of salary or deprivation of half-pay, nor be
35 disqualified from receiving such half-pay or pension by reason of his becoming by virtue of this Act a civil servant of Her Majesty.

- 36.** If at any time after the commencement of this Act it appears to the Treasury that any existing officer of a prison has
40 been in the prison service for not less than twenty years, and is not less than sixty years of age, or that any existing officer of a prison has become incapable, from confirmed sickness, age, or

Superannuation of officers and abolition of office after a year.
28 & 29 Vict.
c. 126. s. 15.

A.D. 1877. infirmity, or injury received in actual execution of his duty, of
 ——— executing his office in person, and such sickness, age, infirmity, or
 injury is certified by a medical certificate, and there shall be a report
 of the Prison Commissioners testifying to his good conduct during
 his period of service under them, and recommending a grant to be 5
 made to him, the Treasury may grant to such officer, having regard
 to his length of prison service, an annuity, by way of superannuation
 allowance, not exceeding two thirds of his salary and emoluments,
 or a gratuity not exceeding the amount of his salary and
 emoluments for one year. 10

If any office in any prison to which this Act applies is abolished
 or any officer is retired or removed, any existing officer of a prison
 who by reason of such abolition, retirement, or removal is deprived
 of any salary or emoluments, shall be dealt with in manner provided
 by the Superannuation Act, 1859, with respect to a person retiring 15
 or removed from the public service in consequence of the abolition
 of his office, or for the purpose of facilitating improvements in the
 organization of the department to which he belongs.

“Prison service,” for the purposes of this section, means, as
 respects the period before the commencement of this Act, service 20
 in a particular prison, or in the prisons of the same authority, trans-
 ferred to the Secretary of State, and as respects the period after the
 commencement of this Act, service in any such prison or in any
 other prison transferred to the Secretary of State under this Act.

Any annuity by way of superannuation allowance or gratuity 25
 granted under this section shall be apportioned between the period
 of service before the commencement of this Act, and the period of
 service after the commencement of this Act; and so much of such
 annuity or allowance as is payable in respect of service before the
 commencement of this Act, regard being had to the amount of salary 30
 then paid, but without taking into account any number of years
 added to the officer’s service on account of abolition of office or for
 facilitating the organization of the department, shall be paid by the
 prison authority of the prison in which the officer to whom such
 annuity or allowance is granted was serving at the date of the com- 35
 mencement of this Act out of rates which at or immediately before
 the commencement of this Act were applicable to the payment of
 the salary of such officer, and the residue shall be paid out of
 moneys provided by Parliament.

As to Miscellaneous Matters.

40

Relaxation
 of the law
 relating to
 hard labour.

37. Whereas in pursuance of the 34th regulation of the first
 schedule annexed to the Prison Act, 1865, a male person of

sixteen years and upwards sentenced to hard labour is directed to be kept to hard labour of the first class during the whole of his sentence where it does not exceed three months, and during the first three months of his sentence where it exceeds three months;

5 and whereas it is expedient to amend the said regulation: Be it enacted, that the Secretary of State may in either of such cases substitute hard labour of the second class for hard labour of the first class during the last two of such three months as aforesaid, or any part of such last two months, and he may make such substitution either by a general or special regulation, and either conditionally or unconditionally, and may from time to time vary any regulation so made. In making any regulations in pursuance of this section, the Secretary of State shall have regard to the previous convictions, the industry, and the conduct of the prisoners.

15 38. The Secretary of State may from time to time make, and when made repeal, alter, or add to rules with respect to the classification and treatment of prisoners imprisoned for non-compliance with the order of a justice or justices to pay a sum of money, or imprisoned in respect of the default of a distress to satisfy a sum of money
20 adjudged to be paid by order of a justice or justices, so that such rules are in mitigation and not in increase of the effect of such imprisonment, as regulated by the Prison Act, 1865.

A.D. 1877:
Rules as to treatment of prisoners before trial, and prisoners confined for nonpayment of sums in the nature of debts.

39. Whereas it is expedient that a clear difference shall be made between the treatment of persons unconvicted of crime and in law
25 presumably innocent during the period of their detention in prison for safe custody only, and the treatment of prisoners who have been convicted of crime during the period of their detention in prison for the purpose of punishment, and that, in order to secure the observance of such difference there shall be in force in every place in
30 which prisoners are confined for safe custody only, special rules regulating their confinement in such manner as to make it as little as possible oppressive, due regard only being had to their safe custody, to the necessity of preserving order and good government in the place in which they are confined, and to the physical and moral
35 well-being of the prisoners themselves: Therefore, be it enacted, that the Secretary of State shall from time to time make, and when made may repeal, alter, or add to special rules—

Special rules as to treatment of unconvicted prisoners and certain other prisoners.

(1.) With respect to the retention by a prisoner of the possession of any books, papers, or documents in his possession at the
40 time of his arrest, and which may not be required for evidence against him, and are not reasonably suspected of forming part of property improperly acquired by him, or

A.D. 1877.

are not for some special reason required to be taken from him for the purposes of justice;

- (2.) With respect to communications between a prisoner, his solicitor, and friends, so as to secure to such prisoner as unrestricted and private communication between him, his solicitor, and his friends as may be possible, having regard only to the necessity of preventing any tampering with evidence, and any plans for escape, or other like considerations; and 5
- (3.) With respect to arrangements whereby prisoners may provide themselves with articles of diet, or may be furnished with a sufficient quantity of wholesome food, and may be protected from being called upon to perform any unaccustomed tasks or offices; also any matter which the Secretary of State may think conducive to the amelioration of the condition of a prisoner who has not been convicted of crime, regard being had to such matters as are in this section directed to be regarded. 15

Treatment of
prisoners
convicted of
sedition, &c.

40. The Prison Commissioners shall see that any prisoner under sentence inflicted on conviction for sedition or seditious libel shall be treated as a misdemeanant of the first division within the meaning of section sixty-seven of "The Prisons Act, 1865," notwithstanding any statute, provision, or rule to the contrary. 20

Transfer of
duties of
existing
inspectors of
prisons.

41. On and after the commencement of this Act, any duties required by Act of Parliament or otherwise to be performed by an inspector of prisons appointed in pursuance of the Act of the session of the fifth and sixth years of King William the Fourth, chapter thirty-eight, may, subject to any directions to be given by the Secretary of State, be performed by any Prison Commissioner or inspector appointed under this Act. 25

The persons who at the commencement of this Act hold the offices of Inspectors of Prisons, under such last-mentioned Act, shall become inspectors under this Act, in the same manner and liable to the performance of the same duties as if they had been appointed inspectors in pursuance of this Act, subject to the following qualifications, namely:— 30

- (1.) Every such inspector shall hold his office by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive a salary of not less amount than that which he has hitherto received; and 40

(2.) Any duties they may be required to perform in pursuance of this Act shall be the same or analogous duties to those which they performed previously to the commencement of this Act. A.D. 1877.

5 The seventh section of the Act of the session of the fifth and sixth years of William the Fourth, chapter thirty-eight, shall be repealed from and after the commencement of this Act, in so far as respects England.

42. A prison authority may borrow any moneys authorised to be borrowed by them under this Act as one loan or as several loans in manner provided by the Local Loans Act, 1875, on the security of any rate or property which would, if this Act had not passed, have been applicable to the maintenance of the prisons within the jurisdiction of such authority, and such prison authority may levy such rate or apply such property in the same manner in all respects as if this Act had not passed. Power of prison authority to borrow on rate.

The period for the discharge of a loan under this Act shall be deemed to begin at the date of the first advance of money made on account of any such loan or loans.

20 43. The Public Works Loan Commissioners may advance to any prison authority, on the security of such rate or property as aforesaid, any moneys authorised to be borrowed by the prison authority for the purposes of this Act. Power of Public Works Loan Commissioners to lend.

The Public Works Loan Commissioners shall take, in respect of any loan advanced by them under this Act, in preference to any other securities, all or such one or more of the securities issuable under the Local Loans Act, 1875, as they may prefer; and for the purposes of any loan so made, and so far as relates to the securities taken and to the recovery of the moneys due on such securities, the Local Loans Act, 1875, shall be deemed to be substituted for the Public Works Loans Act, 1875.

44. The legal estate in every prison to which this Act applies, and in the site and land belonging thereto, and in the furniture and effects, shall, on and after the commencement of this Act, be deemed to be vested in the Prison Commissioners and not in the Secretary of State, but shall from time to time be disposed of by such Commissioners in such mode as the Secretary of State, with the consent of the Treasury, may direct. Legal estate in prison.

45. Town halls, court-houses, or other rooms situate within the curtilage of a prison or forming part of a prison as defined by this Act, and which court-houses or other rooms are used for the holding

A.D. 1877. assizes or petty sessions, or for purposes other than those connected
 the precincts with the management of a prison, shall not be transferred to or
 of a prison. vested in the Secretary of State under this Act, but it shall be
 lawful for the Secretary of State, with the consent of the Treasury,
 if he thinks it desirable to purchase such court-houses or other 5
 rooms so situate as aforesaid from the local authority to whom the
 same belong, and for the purposes of such purchase the Lands
 Clauses Consolidation Acts, 1845, 1860, and 1869 shall be incor-
 porated with this section, and in the construction of the said incor-
 porated Acts this Act shall be deemed to be the special Act, and 10
 the Secretary of State shall be deemed to be the promoter of the
 undertaking.

Protection of prisons in the nature of national monuments. 46. Any buildings which being in the nature of national monu-
 ments are as to certain portions thereof used as prisons shall, as to the
 portions so used during such time as they are used by the Secretary 15
 of State, be maintained in such manner as to prevent their being
 defaced or injured in their character of national monuments.

Rules of Secretary of State, and repeal of inconsistent enactments. 47. Any rule made by a Secretary of State, in pursuance of this
 Act, may be proved in manner in which regulations made under the
 authority of one of Her Majesty's Principal Secretaries of State are 20
 capable of being proved in pursuance of the Documentary Evidence
 Act, 1868, and all enactments inconsistent with this Act, are hereby
 repealed: Provided always, that all rules and regulations made
 under or in pursuance of this Act shall be forthwith laid before
 both Houses of Parliament, if Parliament be sitting, or if not, then 25
 within three weeks after the beginning of the next ensuing session
 of Parliament; and if any such rules or regulations shall be dis-
 approved by either House of Parliament within forty days after the
 same shall have been so laid before Parliament, such rules or
 regulations, or such parts thereof as shall be so disapproved of, 30
 shall be void and of no effect: Provided also, that no such rules or
 regulations shall come into force or operation until the same shall
 have been laid before Parliament for forty days.

Saving clause as to reformatory and industrial schools. 48. Nothing in this Act contained shall affect the powers or juris-
 diction of a prison authority in relation to any reformatory school 35
 or to any industrial school under the Reformatory Schools Act, 1866,
 and the Industrial Schools Act, 1866, or either of such Acts, or any
 Act amending the said Acts, or either of them.

Saving clause as to pensions. 49. Nothing in this Act contained shall entitle any existing
 officer of a prison to any superannuation or other allowance, the 40
 conditions of whose office would not have entitled him to super-
 annuation or other allowance under the Prison Act, 1865.

Arrangement and Arbitration.

A.D. 1877.

50. The Secretary of State on the one hand (with the assent of the Treasury so far as any public moneys are concerned) and a prison authority on the other may, with a view to carry into effect the purposes of this Act, compromise any matter, or settle any difference, or refer to arbitration any matter or difference.

Power for Secretary of State and prison authority to compromise and refer to arbitration.

A reference to arbitration under this Act shall be to a single arbitrator, and the provisions of the Common Law Procedure Act, 1854, shall apply accordingly.

10 *Definitions.*

51. The expression "furniture and effects belonging to a prison" includes all furniture, beds, bedding, clothes, linen, implements, machinery, and stores, except goods manufactured for sale, and materials in store for the purposes of such manufacture, also all books, papers, registers, and documents whatsoever relating to such prison or to the prisoners therein, also all articles whatsoever, whether or not of the same kind as those previously described, belonging at the commencement of this Act to the prison authority of any prison for the purposes of such prison.

Definition of "furniture and effects belonging to a prison."

52. A "prisoner" for the purposes of this Act means any person committed to prison on remand or for trial, safe custody, punishment, or otherwise; and "the maintenance of a prisoner" includes all such necessary expenses incurred in respect of a prisoner for food, clothing, custody, safe conduct, and removal from one place of confinement to another, or otherwise, from the period of his committal to prison until his death or discharge from prison, as would if this Act had not passed have been payable by a prison authority with this proviso that nothing in this Act shall exempt a prisoner from payment of any costs or expenses in respect of his conveyance to prison or otherwise which he would have been liable to pay if this Act had not passed.

Definition of "prisoner" and "maintenance of prisoner."

- For the purposes of this Act, the prisoners belonging to a prison authority shall, as nearly as can be ascertained, be deemed to be the average daily number of prisoners maintained at the expense of such authority, whether in its own prison or in a prison belonging to some other prison authority during the five years immediately preceding the first day of January one thousand eight hundred and seventy-seven.

- "Cell accommodation for a prisoner" means a cell for the separate confinement of such prisoner certified in pursuance of "The Prison Act, 1865."

A.D. 1877.

Definition
of "county"
and "riding."

53. In the construction of this Act, unless there is something inconsistent in the context,—

"County" means a county at large, inclusive of any riding, division, or parts of a county having a separate court of quarter sessions :

5

"Riding" means any riding, division, or parts of a county having a separate court of quarter sessions.

The city of London shall be deemed to be a county, and any prison belonging to the city of London to be situate within the limits of that city.

10

Save as aforesaid, all counties of cities, counties of towns, liberties and franchises of counties, shall be considered as forming part of the county by which they are surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they have the longest common boundary.

15

Definition of
"borough."

54. "Borough" means a place which is for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth (chapter seventy-six), "to provide for the regulation of municipal corporations in England and Wales," inclusive of any county of a city or county of a town.

20

Definition of
"prison."

55. "Prison," in addition to the meaning attached to it by the Prison Act, 1865, includes any land or building bought, or contracted to be bought before the commencement of this Act by a prison authority, for the purpose of enlarging or altering any prison, or adding to the appurtenances of any prison, subject to this proviso that if the Secretary of State is of opinion that any portion of the lands so bought or contracted to be bought, whether included or not within the walls of the prison, was not at the time of the passing of this Act necessary for the then subsisting purposes of such prison, he shall either direct that such portion shall be re-conveyed to the prison authority, or retain such portion, or any part of such portion, on payment out of moneys provided by Parliament of such sum as may be agreed upon, or, in the event of difference, may be determined by arbitration in manner provided by this Act, on the transfer of any such prison to him, and the vesting thereof in him as by this Act provided.

30

35

Definition
of "prison
authorities,"
"justices
in sessions
assembled,"
"visiting
justices."

56. In this Act the expressions "prison authorities," "justices in sessions assembled," and "visiting justices" shall respectively have the same meaning in relation to any prison as they have in "The Prison Act, 1865," and expressions defined in that Act have the same meaning also in this Act.

40

Prisons.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law relating to Prisons
in England.

(*Prepared and brought in by*
Mr. Secretary Cross and Sir Henry Selous-
Tubeson.)

Ordered, by The House of Commons, to be Printed,
5 April 1877.

¹

[Bill 121.]

Under 4 oz.

Prisons (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Extent of Act.
3. Interpretation of terms.

PART I.

General Prisons Board.

4. Establishment of General Prisons Board.
5. Quorum of board.
6. Appointment of officers.
7. Salaries.
8. Abolition of office of inspector general and director of convict prisons.
9. Superannuation of inspector general of prisons and director of convict prisons.
10. Transfer to General Prisons Board of powers of inspectors general of prisons, directors of convict prisons, &c.
11. Transfer of business to General Prisons Board.
12. New establishment to be formed from old.
13. Members of General Prisons Board to be justices of the peace.
14. Board empowered to contract for diet, clothing, &c. for ordinary prisons.
15. Powers of board and inspectors to summon witnesses.
16. Salaries, &c. to be paid out of moneys provided by Parliament.
17. Expenses of board to be paid out of moneys voted by Parliament.
18. General Prisons Board to make regulations with respect to business.
19. General Prisons Board to make rules with respect to prisons.
20. Board to make reports.

[Bill 3.]

PART II.

Transfer and Administration of Prisons.

Clause.

21. Transfer of property to General Prisons Board.
22. Transfer of ordinary prisons.
23. Continuance of officers of ordinary prisons.
24. Power to General Prisons Board to transfer officers and servants.
25. Appointment, tenure, and salary of officers.
26. Removal of officers and servants from apartments.
27. Amendment of 14 & 15 Vict. c. 85. s. 4. as to payment of expenses incurred in conveying prisoners, &c.
28. Grand juries and boards of superintendence to discharge duties, &c. until 1st April 1878. General saving of rights of creditors.
29. Provision as to continuing contracts.
30. Control of Treasury as to works.

Power to alter Condition of Prisons and to close Prisons.

31. Power to Lord Lieutenant to alter legal condition of prisons.
32. Disposal of ordinary prison where such prison is closed.

Alteration of Staff in ordinary Prisons.

33. Lord Lieutenant in Council may determine staff in any prison.

Superannuation of Persons in office in ordinary Prisons immediately before the first day of April one thousand eight hundred and seventy-eight.

34. Discontinuance of prisons and abolition of office before the end of a year after 1st April 1878.
35. Superannuation of officers and abolition of office after a year.
36. Payment of pensions by grand juries.
37. Conditions of pensions.

Improvement of Prisons.—New Prisons.

38. Power to improve prisons and build new ones.

Constabulary Lock-up Houses.

39. Lock-ups.

Removal of Prisoners.

Clause.

40. Removal of prisoners from one prison to another.
41. Power to remove military prisoners.
42. Jurisdiction over prison.
43. Custody of prisoners.
44. Description of prison in writ.
45. Removal of prisoners for trial.
46. Nothing to interfere with removal by court of law.

Discharge of Prisoners.

47. When term of imprisonment expires on Sunday, prisoner to be discharged on preceding day.
48. Chief Secretary may grant certificates to Prisoners Aid Societies.
49. Allowance to discharged prisoner.
50. Discharged prisoner provided with means of returning home.

Miscellaneous.

51. Power for General Prisons Board and grand jury to arrange and refer to arbitration.
 52. Visiting committees.
 53. Duties of visiting committee.
 54. Employment of prisoners sentenced to imprisonment without hard labour.
 55. Division of prisoners in ordinary prison.
 56. Charitable donations and bequests for poor prisoners.
 57. Saving as to commissions.
-

A

B I L L

TO

Amend the Law relating to Prisons in Ireland.

A.D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Preliminary.*

1. This Act may be cited as "The General Prisons (Ireland) Act, Short title.
1877."

2. This Act shall extend to Ireland only.

Extent of
Act.

3. In this Act,

10 The term "Lord Lieutenant" shall mean the Lord Lieutenant, or other chief governor or governors of Ireland for the time being :

Interpreta-
tion of terms.

The term "Privy Council" shall mean Her Majesty's Privy Council in Ireland :

"Lord Lieu-
tenant."
"Privy
Council."

15 The terms "Chief Secretary" and "Under Secretary" shall mean respectively the Chief Secretary and Under Secretary to the Lord Lieutenant :

"Chief Se-
cretary"
and "Under
Secretary."

The term "county" shall extend to and include county of a city, county of a town, city and county, city, and town :

"County."

20 The term "grand jury" shall, as regards any borough, the town council of which is authorised to make presentments for the prisons thereof, include such council :

"Grand
jury."

The term "assizes" shall include presenting term :

" Assizes."

25 The term "treasurer of the county" shall include any person or persons or bank in any county performing duties analogous to those of the "treasurer of the county" in counties, and in the application of this Act to the county of Dublin it shall mean the finance committee :

" Treasurer
of the
county."

[Bill 3.]

A

A.D. 1877.	The term "secretary to the grand jury" shall, as regards any borough the town council of which is authorised to make presentments for the prisons thereof, include the town clerk :	
"Secretary to the grand jury."		
"Prisons Acts."	The term "Prisons Acts" shall mean an Act passed in the session of Parliament held in the seventh year of the reign of King George the Fourth, chapter seventy-four, intituled "An Act for consolidating and amending the Laws relating to Prisons in Ireland," and the Acts altering, amending, or affecting the same :	5
"Ordinary prison."	The term "ordinary prison" shall mean any gaol, district bridge-well, bridewell, and prison under the Prisons Acts :	10
"Convict Prisons Acts."	The term "Convict Prisons Acts" shall mean an Act passed in the session of Parliament held in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter seventy-six, intituled "An Act for the formation, regulation, and government of Convict Prisons in Ireland," and the Acts altering, amending, or affecting the same :	15
"Convict prison."	The term "convict prison" shall mean any prison under the control and management of the Directors of convict prisons for Ireland under the Convict Prisons Acts :	20
"Convict."	The term "convict" shall mean any person under sentence of penal servitude :	
"Prison."	The term "prison" shall include convict prison and ordinary prison :	
"Property."	The term "property" shall include things in action and rights of action :	25
"Lands Clauses Acts."	The term "Lands Clauses Acts" shall mean the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860 ; the Railways Act (Ireland), 1851 ; the Railways Act (Ireland), 1860 ; the Railways Act (Ireland), 1864, and the Railway Traverse Act.	30

PART I.

General Prisons Board.

Establishment of General Prisons Board.	4. A board shall be established to be called "the General Prisons Board for Ireland" (in this Act referred to as "the General Prisons Board"), and such board shall consist of a chairman, a vice-chairman, and not more than two other members, to be appointed by the Lord Lieutenant by warrant, and to hold office during the pleasure of the Lord Lieutenant, and such board shall, subject to such directions as they may from time to time receive from the Lord Lieutenant and to the provisions of this Act, have the	35 40
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control and management of all ordinary and convict prisons and of all prisoners and convicts confined therein. Whenever from time to time any vacancy upon the General Prisons Board shall occur by reason of the death, removal, or resignation of any member thereof, or otherwise, the Lord Lieutenant may by the like warrant appoint some other fit person to fill such vacancy.

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The members of the said board so appointed, and their successors, shall, by the name of "the General Prisons Board for Ireland," be a body corporate with a common seal, and with power to acquire and hold land without license in mortmain so far as may be necessary for the purposes of this Act.

The General Prisons Board shall be deemed to be established from and after the date of the first appointment of the chairman of the same under this Act, which period is in this Act referred to as the "commencement of this Act," and, except where otherwise expressly provided, the provisions of this Act shall from and after such period come into operation and have effect.

No act or proceeding of the General Prisons Board shall be invalidated or be illegal in consequence only of there being any vacancy on such board at the time of such act or proceeding.

5. Except where otherwise expressly provided by this Act or by any regulations made in pursuance thereof, any powers, jurisdiction, authority, or duty by this Act transferred to, vested in, exerciseable by, or imposed upon the General Prisons Board may be exercised and discharged by any two members of such board, of whom one shall be the chairman, or in his absence the vice-chairman.

Quorum of board.

6. The Lord Lieutenant may, from time to time, with the approval of the Commissioners of Her Majesty's Treasury, appoint such inspectors, officers, clerks, and servants as he may deem necessary for the purpose of assisting the General Prisons Board in the performance of their duties under this Act, and the Lord Lieutenant may from time to time remove such inspectors, officers, clerks, and servants as and when he shall think fit.

Appointment of officers.

7. The Lord Lieutenant may, with the approval of the Commissioners of Her Majesty's Treasury, fix the salaries to be paid to the chairman, vice-chairman, and members of the General Prisons Board, and to the inspectors, officers, clerks, and servants appointed under this Act respectively.

Salaries.

8. *From and after the commencement of this Act* the offices following, that is to say,

Of inspector general of prisons under the Prisons Acts ;

Of director of convict prisons under the Convict Prisons Acts ;

Abolition of office of inspector general and director of convict prisons.

A.D. 1877.

Of inspector of reformatory and industrial schools under the Irish Reformatory Schools Act, 1868, and the Industrial Schools Act (Ireland) 1868; and

Of registrar of criminals under the Prevention of Crimes Act, 1871,

5

shall be and the same are hereby abolished, and the persons at such time holding such offices shall cease to hold the same respectively.

The Corporation of Directors of Convict Prisons for Ireland is hereby dissolved.

Superannua-
tion of in-
spectors
general of
prisons and
director of
convict
prisons.

9. In case any person who immediately before the commence- 10
ment of this Act shall hold the office of inspector general of prisons
or director of convict prisons shall be appointed a member of the
General Prisons Board, the time during which such person shall
have served in such office of inspector general or director of convict
prisons shall be taken into account in reckoning, for the purpose of 15
superannuation, the period of his service on the General Prisons
Board; and in case any such person shall not be so appointed, or
shall refuse such appointment if tendered to him, *he shall be
entitled to such superannuation allowance or compensation as the Com-
missioners of the Treasury shall fix and determine, and as may be* 20
granted under the provisions of the Superannuation Act, 1859, to a
person retiring or removed from the public service in consequence of
the abolition of his office, or for the purpose of facilitating improve-
ments in the organization of the department to which he belongs.

Transfer to
General Pri-
sons Board
of powers of
inspectors
general of
prisons,
directors of
convict pri-
sons, &c.

10. *From and after the commencement of this Act* all powers, 25
jurisdictions, authorities, and duties, at such time vested in or
imposed upon the inspectors general of prisons under the Prisons
Acts, the directors of convict prisons, under the Convict Prisons
Acts, the inspector of reformatories and industrial schools, under the
Irish Reformatory Schools Act, 1868, and the Industrial Schools 30
Act (Ireland), 1868, and the registrar of criminals under the Pre-
vention of Crimes Act, 1871, shall be transferred to, vested in,
exerciseable by, and imposed upon the General Prisons Board, who
shall exercise and perform the same in such manner as may be
prescribed by this Act or by regulations made in pursuance of this 35
Act, and in the absence of express provisions, and until the making
of such regulations, and so far as any such provisions or regulations
shall not extend, in like manner and subject to the same conditions
as near as may be as the said inspectors general of prisons, directors
of convict prisons, inspector of reformatories and industrial schools, 40
and registrar of criminals might, but for the passing of this Act,
have exercised and performed the same.

11. *From and after the commencement of this Act* all the business which previously to such time was performed and transacted in the several offices of the inspectors general of prisons, of the directors of convict prisons, of the inspector of reformatories and industrial schools, and of the registrar of criminals respectively, shall be performed and transacted in the office of the General Prisons Board.

A.D. 1877.
Transfer of
business to
General Pri-
sons Board.

12. Whereas it is expedient that the establishment of the General Prisons Board should in the first instance be formed of persons who, immediately before the commencement of this Act, shall be employed in various capacities in the several offices of the inspectors general of prisons, of the directors of convict prisons, of the inspector of reformatory and industrial schools, and of the registrar of criminals respectively; therefore the establishment of the General Prisons Board shall be at first formed out of the establishments of the said offices in such manner as the Lord Lieutenant may direct and the Commissioners of Her Majesty's Treasury may approve; and no fresh appointment to such establishment shall be made so long as the duties can be provided for by the recall to active service of any person who, having been on the establishment of any of the said offices, may be or may hereafter be placed on the compensation list. The Lord Lieutenant may, with the consent in each case of the Commissioners of Her Majesty's Treasury, appoint any of such persons whom he shall think fit, having regard to the absolute length of service and the relative seniority and the previous duties of each such person, to a position in the office of the General Prisons Board, involving duties the same as or analogous to those previously performed by such person.

New esta-
blishment to
be formed
from old.

Any such person who shall decline to accept any position tendered to him as aforesaid, of which the salary shall not be less than that enjoyed by him at the time of such tender, shall, if in a competent state of health for the discharge of the duties of such position, and if under sixty years of age, be deemed to have resigned his office, and shall not be entitled to the grant of any superannuation allowance or compensation, and any such person to whom no such position shall be tendered shall be entitled to such superannuation allowance or compensation as the Commissioners of Her Majesty's Treasury shall fix and determine, and as may be granted under the provisions of the Superannuation Act, 1859, to a person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs.

A.D. 1877.

Members of
General
Prisons
Board to be
justices of
the peace.
6 & 7 W. 4.
c. 13. s. 5.

13. Every person appointed a member of the General Prisons Board shall, on his appointment to such office, forthwith take before any two justices of the peace the oaths required to be taken by justices of the peace in Ireland, and shall thereupon be and become without further qualification or appointment, and continue so long 5 as he shall hold the said office but no longer, a justice of the peace for every county in Ireland.

Board
empowered
to contract
for diet,
clothing, &c.
for ordinary
prisons.
17 & 18 Vict.
c. 76. s. 5.

14. The General Prisons Board shall have power to make contracts with any persons whomsoever for the clothing, diet, and other necessities for the maintenance and support of the prisoners 10 and convicts confined in ordinary prisons and convict prisons, and for the implements and materials for any kind of manufacture, trade, or works in which prisoners confined in such prisons shall be employed, and shall also have power to carry on such manu- 15 facture, trade, or works in such prisons, and also to carry on any works in any place outside such prisons where the Lord Lieutenant by and with the advice of the Privy Council shall direct, and to sell such goods, wares, and merchandise as shall be there wrought or manufactured, and the proceeds of all such manufactures and goods, wares, and merchandise shall be paid over to the Exchequer 20 in such manner as the Commissioners of Her Majesty's Treasury may direct.

Powers of
board and
inspectors
to summon
witnesses.

15. Every member of the General Prisons Board and every inspector appointed under this Act may by summons under his hand require the attendance of all such persons as he shall think fit to 25 call before him, upon any matter connected with the execution of this Act, at such time and place as shall be set forth in such summons, and may make inquiry and require returns, and may administer oaths and examine all such persons on oath, and may require and enforce the production upon oath of books, con- 30 tracts, agreements, accounts, and other documents in anywise relating to any such matter: Provided always, that no person shall be required, in obedience to any such summons, to go more than *twenty* statute miles from the place of his abode: Provided also, that nothing herein contained shall empower any member of the 35 General Prisons Board or any inspector to require the production of the title or any papers or deeds relating to the title of any lands, tenements, or hereditaments not being property vested in the General Prisons Board.

Every person who upon any examination under the authority of 40 this Act shall wilfully give false evidence, or wilfully make or sub-

scribe a false declaration shall be guilty of perjury; and every person who shall refuse or wilfully neglect to act in obedience to any such summons, or to give evidence, or who shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, agreements, accounts, or other documents which may be required to be produced for the purposes of this Act to any person authorised by this Act to require the production thereof, shall be deemed guilty of a misdemeanor.

A.D. 1877.

16. *Except as by this Act expressly provided, all salaries, super-annuation allowances, and compensations payable under this Act shall be paid out of moneys provided by Parliament for such purposes.*

Salaries, &c.
to be paid
out of
moneys pro-
vided by
Parliament.

17. *The General Prisons Board shall defray the expenses incurred in the performance of the various duties and functions hereby committed to them out of such moneys as may be provided by Parliament for such purposes respectively, and shall render accounts for such expenditure to the comptroller general of the receipt and issue of Her Majesty's Exchequer and auditor general of public accounts, in such manner and at such periods as the Commissioners of Her Majesty's Treasury may direct.*

Expenses of
board to be
paid out of
moneys voted
by Parlia-
ment.

18. The General Prisons Board may make regulations, and may alter or revoke any such regulations when made, and may make other regulations in lieu thereof, for all or any of the purposes following:

General Pri-
sons Board
to make
regulations
with respect
to business.

(1.) For the discharge by and the distribution among the members of the General Prisons Board of the duties by this Act transferred to and imposed on the said board:

(a.) With respect to convict prisons and the execution of the Convict Prisons Acts relating thereto;

(b.) With respect to ordinary prisons and the execution of the Prisons Acts relating thereto;

(c.) With respect to reformatories and industrial schools in accordance with the Acts relating thereto; and

(d.) With respect to the registering of criminals in accordance with the Acts relating thereto:

(2.) For the discharge of the business transferred to the office of the General Prisons Board by this Act, and for the regulation of the officers and servants of the same;

(3.) For the due inspection of all prisons in Ireland; and

(4.) Generally for all such other matters as may be necessary for the due exercise by the said General Prisons Board of the powers, authorities, and jurisdictions and the discharge of the duties by this Act transferred to and imposed upon the said board, and for the execution by the board of this Act.

A.D. 1877.

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Every such regulation shall be subject to the approval of the Lord Lieutenant, and shall be of no force or effect until so approved, and when so approved, and so long as the same shall continue in force, shall be of the same validity as if it had been enacted by this Act.

General
Prisons
Board to
make rules
with respect
to prisons.

19. The General Prisons Board may from time to time after the commencement of this Act, by rules to be made in manner herein-after prescribed, alter or repeal the byelaws or rules in force for the time being for the regulation of any ordinary or convict prison and for the duties and conduct of the governor and other officers of the said prison, and for the classification, diet, clothing, maintenance, employment, instruction, discipline, and correction of all prisoners or convicts therein, and may repeal rules so made and may make new rules instead thereof; every such rule shall be subject to the approval of the Lord Lieutenant and Privy Council, and shall be of no force or effect until so approved, and when so approved, and so long as the same shall continue in force, shall be of the same validity as if it had been enacted by this Act: Provided that no such rule shall have effect with respect to any ordinary prison before the *first day of April one thousand eight hundred and seventy-eight*: Provided also, that any rule made in manner aforesaid respecting matters relating to finance or to account shall, before receiving the approval of the Lord Lieutenant, be submitted to and approved by the Commissioners of Her Majesty's Treasury.

All such rules when approved in manner aforesaid shall be published in the Dublin Gazette, and a copy of the same shall be posted in some conspicuous place in every prison to which the same relate.

Board to
make re-
ports.
17 & 18 Vict.
c. 76. s. 6.

20. The General Prisons Board shall, on or before such day as the Lord Lieutenant may appoint in each year, or whenever so required by the Lord Lieutenant, make a report to the chief secretary upon such matters connected with the convict and ordinary prisons, and with industrial and reformatory schools, and with respect to the registration of criminals, as the Lord Lieutenant may from time to time require; and an annual report upon such matters, in such form as the Lord Lieutenant shall prescribe, shall be laid before both Houses of Parliament at such time in each year as the Lord Lieutenant shall appoint.

So much of any Statute in force immediately before the time of the passing of this Act as would impose upon the General Prisons Board any obligation to make any report shall be and the same is hereby repealed; and the several reports in this section mentioned shall be in substitution for all the reports heretofore made by the inspectors general of prisons, the directors of convict prisons, the inspector of reformatory and industrial schools, and the registrar of criminals respectively.

PART II.

Transfer and Administration of Prisons.

21. *From and after the commencement of this Act* all property, real and personal, immediately before such commencement vested
 5 in or belonging to the inspectors general of prisons, the directors of convict prisons, the inspector of reformatories and industrial schools, and the registrar of criminals in such capacities respectively, or any of them, shall be transferred to and vested in the General Prisons Board for the purposes of this Act, subject to all
 10 charges, incumbrances, rights, or liabilities affecting the same.

Transfer of
property to
General
Prisons
Board.

22. *On the first day of April one thousand eight hundred and seventy-eight* all the estate and interest of any grand jury, commissioners, board of superintendence, board, or trustees in any lands, buildings, tenements, or hereditaments used as or appertaining
 15 to any ordinary prison, and in any property, real or personal, belonging or in anywise appertaining to or appropriated to the use of any ordinary prison or belonging to or vested in such grand jury, commissioners, board of superintendence, board, or trustees in trust
 20 for prison purposes, shall be transferred to and shall vest in the General Prisons Board for the purposes of this Act, subject to any quitrents, head rents, or rents payable in respect of the same, but absolutely freed and discharged from all debts, liabilities, or engagements affecting the same, and *from and after such first day of April one thousand eight hundred and seventy-eight* every
 25 grand jury and county is hereby relieved from all and every obligation to provide and maintain prisons and to provide for prisoners; and thenceforth all powers of every such grand jury with respect to the presentment of public moneys or the making of rates for such purposes as aforesaid shall, save as by this Act expressly
 30 provided, absolutely cease and determine.

Transfer of
property to
ordinary
prisons.

From and after the first day of April one thousand eight hundred and seventy-eight all boards of superintendence of ordinary prisons shall cease to exist as such, and thereupon all powers, jurisdictions, authorities, and duties at such time vested in
 35 or imposed upon grand juries and boards of superintendence with respect to ordinary prisons or the maintenance thereof shall be transferred to, vested in, exerciseable by, and imposed upon the General Prisons Board, who shall exercise and perform the same, in such manner as may be prescribed by this Act or by regulations
 40 made in pursuance of this Act, and in the absence of express provisions, and until the making of such regulations, and so far as any

A.D. 1877. such provisions and regulations shall not extend, in like manner and subject to the same conditions, as near as may be, as such grand juries and boards of superintendence respectively might, but for the passing of this Act, have exercised and performed the same.

Continuance
of officers of
ordinary
prisons.

23. *From and after the first day of April one thousand eight hundred and seventy-eight* all persons who immediately before such day were officers or servants in or of any ordinary prison shall become and be officers and servants of the General Prisons Board, and shall continue as such to receive salaries and emoluments not less than they respectively enjoyed previous to such first day of April, and to discharge in such ordinary prison or in any other prison, or in the office of the General Prisons Board in Dublin, to which they may respectively be transferred by order of the General Prisons Board, duties the same as or similar to those previously discharged by them, and all such officers and servants shall hold their respective offices and situations during the pleasure of the Lord Lieutenant.

An existing officer of a prison who is at the commencement of this Act in the receipt of military or naval half-pay, or who has, at or before such commencement as aforesaid, commuted his pension in pursuance of the Pensions Commutation Act, 1871, or is in receipt of any pension payable out of public moneys, shall not be subject to any deduction from his salary, or to be deprived of any portion of his half-pay, or of his pension, by reason of his salary being thenceforward paid out of public moneys, or of his employment becoming a public employment, or an employment of profit under Her Majesty, within the meaning of the Acts of Parliament providing for such deduction of salary or deprivation of half-pay, nor be disqualified from receiving such half-pay or pension by reason of his becoming by virtue of this Act a civil servant of Her Majesty.

Power to
General Pri-
sons Board
to transfer
officers and
servants.

24. The General Prisons Board may from time to time by order transfer any officer or servant of any prison other than any local inspector, chaplain, medical officer, or apothecary, to any other prison or to the office of the General Prisons Board in Dublin, and require such officer or servant to discharge in such other prison, or in the office of the General Prisons Board in Dublin, duties like or analogous to those previously discharged by him; and any such officer or servant refusing to obey such order shall be deemed to have resigned his office, and shall not be entitled to the grant of any superannuation allowance or compensation: Provided, that no such order shall be made as to any officer or servant of any

ordinary prison until after the first day of April one thousand A.D. 1877.
eight hundred and seventy-eight.

25. *From and after the first day of April one thousand eight hundred and seventy-eight*, every officer and servant of any ordinary prison shall be appointed by the General Prisons Board, subject to the approval of the Lord Lieutenant, and shall hold his office or situation during the pleasure of the Lord Lieutenant; and such officers and servants shall receive such salaries respectively as the General Prisons Board, with the approval of the Lord Lieutenant, and with the consent of the Commissioners of Her Majesty's Treasury, shall from time to time appoint.

Appoint-
ment, tenure,
and salary of
officers.

26. Whenever any officer or servant of any prison is suspended, removed from, or resigns his office, or departs this life, the officer or servant so suspended, removed, or resigning, and his family, and the family of every such deceased officer or servant, shall quit the possession of the house or apartments in or belonging to such prison in which he or they shall have previously resided by virtue of such office when required so to do by notice in writing from the General Prisons Board; and if he or they refuse or neglect to give such possession within forty-eight hours after the service of such notice, any justice of the peace, upon proof made to him of such removal, resignation, or death, and of the service of such notice, and of such neglect or refusal to comply therewith, may, by warrant, direct any constable, within a period therein named, to enter by force, if necessary, into such premises, and deliver possession thereof to the General Prisons Board, or to any person appointed by them.

Removal of
officers and
servants from
apartments.
17 & 18 Vict.
c. 76. s. 9.

27. Whereas by section four of an Act passed in the session of Parliament held in the fourteenth and fifteenth years of the reign of Her present Majesty, chapter eighty-five, it was amongst other things enacted that in every case where any expenses should be actually incurred or should be proper to be incurred by any county inspector, sub-inspector, head or other constable, gaoler, bridewell keeper, or other person in conveying any prisoner to or from any gaol or other place as therein mentioned, or with respect to the several other purposes therein set forth, such expenses should in the first instance be paid in the manner thereby prescribed by the sub-inspectors of constabulary of counties, and that the accounts of all such expenses so incurred and paid should be transmitted in the manner thereby prescribed to the boards of superintendence of the gaols of such counties in manner therein mentioned, and

Amendment
of 14 & 15
Vict. c. 85.
s. 4. as to
payment of
expenses
incurred in
conveying
prisoners,
&c.

A.D. 1877. — such boards of superintendence were thereby empowered and required to examine such accounts, and upon being satisfied of their reasonableness and accuracy, to provide in manner thereby prescribed for the repayment to such sub-inspectors of the several sums payable to them upon such accounts out of funds provided 5 by grand jury presentments :

And whereas it is expedient to transfer to the several grand juries in Ireland, as and from the first day of April one thousand eight hundred and seventy-eight, the duties and powers imposed and conferred upon the said several boards of superintendence by 10 the above-recited fourth section of the said Act; therefore from and after the said *first day of April one thousand eight hundred and seventy-eight* all the powers and duties conferred or imposed by the provisions of the said section on any board of superintendence, and on any member or members of the same, shall cease to 15 be exercised or performed by them respectively; and from and after the said *first day of April one thousand eight hundred and seventy-eight* all such powers and duties shall be transferred to and vested in and enjoyed, exercised, and performed in each county in Ireland by the grand jury of such county; and all acts, matters, 20 and things in relation thereto authorised or required to be done with respect to such county under the authority of the said section by any board of superintendence, or any member or members of the same, shall be done by such grand jury, and all such accounts as are prescribed by the said section shall be transmitted to the 25 secretary of such grand jury at a reasonable time before each assizes, with all the like consequences and effects in all respects as if the said grand jury had been mentioned in the said section instead of the board of superintendence, or any member or members of the same. 30

Grand juries and boards of superintendence to discharge duties, &c. until 1st April 1878.

28. Nothing in this Act contained shall be construed to alter or affect the duties and liabilities of grand juries or boards of superintendence with respect to ordinary prisons, or the maintenance thereof, and of the prisoners confined therein until the first day of April one thousand eight hundred and seventy-eight, or with 35 respect to the discharge of all debts due in respect thereof, or with respect to the repayment of moneys advanced on the faith of any presentment or presentments for the building, altering, or enlarging of ordinary prisons or otherwise with respect thereto; and up to that day they shall respectively perform all such duties and discharge 40 such liabilities and keep all such ordinary prisons and all buildings connected therewith in good and substantial repair, and up to

and after such day until such debts and liabilities shall be discharged and such moneys shall be repaid, they shall pay off and satisfy all such debts and liabilities and pay all such moneys which, in the ordinary course, and but for this Act, should be by them
 5 paid or satisfied, and they shall provide for the payment or satisfaction of the same in like manner in every respect as if this Act had not been passed, and shall for such purpose make any and all presentments, and do all acts, matters, and things, and raise all moneys which may be necessary, and which, but for the passing of
 10 this Act, they should have made, done, or raised.

A.D. 1877.

Nothing in this Act contained shall affect any right or claim of any creditor of a grand jury or board of superintendence under any contract legally made, or in respect of any dealing legally had under the Prisons Acts and this Act before the first day of April
 15 one thousand eight hundred and seventy-eight, and as between such creditor and the grand jury or board of superintendence of which he is a creditor, such contract may be enforced in the same manner in all respects as if this Act had not been passed.

General saving of rights of creditors.

29. Where any contract entered into under the authority of
 20 the Prisons Acts in which any grand jury or board of superintendence is concerned is a continuous contract, to be performed partly before and partly after the first day of April one thousand eight hundred and seventy-eight, such contract shall be deemed to be divisible, and as to so much thereof as is performable before
 25 the said first day of April, shall create a debt or obligation to be discharged or performed by the grand jury or board of superintendence concerned therein, *and as to so much thereof as is performable after the said first day of April, to create a debt or obligation to be discharged or performed by the General Prisons*
 30 *Board out of moneys provided by Parliament.*

Provision as to continuing contracts.

30. All works, matters, and things necessary for the maintenance, repair, rebuilding, enlargement, and improvement of buildings, lands, and premises by this Act transferred to and vested in the General Prisons Board, or for the building of new ordinary prisons,
 35 shall be executed and done by the General Prisons Board according to such general rules as the Commissioners of Her Majesty's Treasury may from time to time make; and except in accordance with such rules no such works, matters, or things shall be commenced, executed, or done without the special sanction of the Commissioners
 40 of Her Majesty's Treasury.

Control of Treasury as to works.

A.D. 1877.

Power to alter Condition of Prisons and to close Prisons.

Power to
Lord Lieu-
tenant to
alter legal
condition of
prisons.

31. *From and after the first day of April one thousand eight hundred and seventy-eight* the Lord Lieutenant may from time to time, upon the application of the General Prisons Board, make an order directing that from and after a day to be named in such order 5 any prison shall no longer be a legal place of confinement for prisoners, and that the same shall be closed, or that the same shall be a legal place of confinement only for certain classes of prisoners specified in such order, and that any part of the same shall be closed : Provided that there remain one ordinary prison in each county unless 10 the Lord Lieutenant shall otherwise order for special reasons to be stated in his order.

Whenever the Lord Lieutenant shall have made any such order, a convict or ordinary prison or prisons shall be named in such order to which prisoners who but for such order would have been 15 confined in the prison so wholly or in part closed, shall be removed or committed, and in which they shall be kept in custody, and any such substituted prison shall thenceforth and so long as such order is in force, for all purposes relating to the committal, detention, trial, and punishment of the prisoners so removed and of the 20 prisoners committed thereto in pursuance of this section, be deemed to be a legal place of confinement, and such prisoners shall, during removal to and during such time as they shall be in such substituted prison, be deemed to be in the proper legal custody in every respect, and no such removal shall be deemed an escape. 25

When any such order has been made as aforesaid the General Prisons Board shall cause the same to be published once at least in each of two consecutive weeks in the Dublin Gazette, and once at least in each of two consecutive weeks in some newspaper usually circulating in the county in which the prison is situate in 30 respect of which such order was made, and every such order shall be of force and effect from the date in such order mentioned, and the production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority and containing the publication of such order, shall be conclusive evidence of the 35 making of such order and all such facts and circumstances as were or shall be necessary to authorise the making of such order; and every such order shall be deemed and taken to all intents and pur-

poses whatsoever to have been made in pursuance of and in conformity with the provisions of this Act. A.D. 1877.

Every order of the Lord Lieutenant made under the provisions of this section whereby the only ordinary prison in any county shall be directed to be closed, shall, in addition to being published in the manner prescribed in this section, be laid before both Houses of Parliament forthwith, if Parliament be sitting at the time of the order being made, or if not then sitting, within one month after the commencement of the then next Session of Parliament.

- 10 **32.** Whenever, in pursuance of any such order as aforesaid, any ordinary prison shall be closed, all the estate and interest therein of the General Prisons Board shall, at the expiration of a period of twelve months from the date of such order, be deemed to be re-transferred to and shall vest in the grand jury, commissioners,
 15 board, or trustees from whom the same was transferred to the General Prisons Board by this Act, and may thereafter be sold or disposed of in the manner and subject to the conditions prescribed by the Prisons Acts with respect to old gaols and prisons: Provided always, that in case any such prison, or any part thereof
 20 that may have been closed shall, before the expiration of such period of twelve months be required for the purposes of a reformatory, industrial school, constabulary barrack, lock-up, or any public purpose whatsoever, the General Prisons Board may, with the consent of the Commissioners of Her Majesty's Treasury, and
 25 subject to the provisions of this Act and to such conditions as the General Prisons Board shall approve, allow the same to be used for any of such purposes, and in such case the estate and interest of the General Prisons Board therein shall, so long as such user shall continue, remain vested in the General Prisons
 30 Board.

Disposal of ordinary prison where such prison is closed.

Alteration of Staff in ordinary Prisons.

- 33.** It shall be lawful for the Lord Lieutenant from time to time, by and with the advice of the Privy Council, to determine the staff of male and female officers and servants of any prison, and
 35 to direct that the same shall be increased, diminished, or altered as he shall think fit. After the making of every such order, and so long as the same shall be in force, the staff of such prison shall thereafter consist of such officers and servants as shall be specified in such order, anything in the Prisons Acts or in the Convict
 40 Prisons Acts to the contrary notwithstanding.

Lord Lieutenant in Council may determine staff in any prison.
 19 & 20 Vict.
 c. 68. s. 18.

A.D. 1877. *Superannuation of Persons in office in ordinary Prisons immediately before the first day of April one thousand eight hundred and seventy-eight.*

Discontinu-
ance of
prisons and
abolition of
office before
the end of
a year after
1st April
1878.

34. If at any time before the end of one year after the first day of April one thousand eight hundred and seventy-eight any ordinary prison is discontinued, or any office in any ordinary prison is abolished, or any officer is retired or removed with a view to the reduction of the staff of such ordinary prison or otherwise, the grand jury of the county by which such ordinary prison was maintained immediately before the said first day of April one thousand eight hundred and seventy-eight, may allow such annuity by way of compensation, allowance, or gratuity as they think fit to any person who immediately before such first day of April one thousand eight hundred and seventy-eight was an officer of such ordinary prison and who, by reason of such discontinuance or abolition, or retirement, or removal, is deprived of any salary or emoluments, so that no such annuity or gratuity exceeds the proportion of the salary and emolument, if any, which might be granted under the provisions of the Superannuation Act, 1859, to a person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs; and any annuity or gratuity so allowed shall, without any application to presentment sessions, or other preliminaries, be presented and paid to the person entitled thereto by such grand jury; but this section shall not prejudice the right of any person to superannuation allowance under any other section of this Act.

Superannu-
ation of
officers and
abolition of
office after a
year.
36 & 37 Vict.
c. 51. s. 4.

35. If at any time after the first day of April one thousand eight hundred and seventy-eight it appears to the Commissioners of Her Majesty's Treasury that any person who immediately before such first day of April one thousand eight hundred and seventy-eight was, within the meaning of the Prison Officers (Ireland) Superannuation Act, 1873, an officer of any ordinary prison has been in the prison service for not less than *twenty* years, and is not less than *sixty* years of age, or that any such person has become incapable, from confirmed sickness, age, or infirmity, or injury received in actual execution of his duty, of executing his office in person, and such sickness, age, infirmity, or injury is certified by a medical certificate, and there shall be a report of the General Prisons Board testifying to his good conduct during his period of service under them, and recommending a grant to be made to him, the Commissioners of Her Majesty's Treasury may grant to such officer, having regard to his

length of prison service, an annuity, by way of superannuation allowance, not exceeding two thirds of his salary and emoluments, or a gratuity not exceeding the amount of his salary and emoluments, for one year. A.D. 1877.

5 If any office in any ordinary prison is abolished or any officer is retired or removed after the expiration of *one year after the first day of April one thousand eight hundred and seventy-eight*, any person who immediately before the said first day of April one thousand eight hundred and seventy-eight was an officer of such
10 ordinary prison, and who by reason of such abolition, retirement, or removal is deprived of any salary or emoluments, shall be dealt with in manner provided by the Superannuation Act, 1859, with respect to a person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of
15 facilitating improvements in the organization of the department to which he belongs.

“Prison service,” for the purposes of this section, means, as respects the period before the first day of April one thousand eight hundred and seventy-eight, service in an ordinary prison, and as respects the period
20 after the said first day of April one thousand eight hundred and seventy-eight, service in such ordinary prison or in any other prison.

Any annuity by way of superannuation allowance or gratuity granted under this section shall be apportioned by the Commissioners of Her Majesty’s Treasury, by warrant to be signed by
25 such Commissioners or any two of them, between the period of service before the said first day of April one thousand eight hundred and seventy-eight of the person entitled thereto, regard being had to the amount of salary then paid and the period of service of such person after the said first day of April one thousand eight
30 hundred and seventy-eight; and so much of such annuity or gratuity as is payable in respect of service before the said first day of April one thousand eight hundred and seventy-eight, in pursuance of any such warrant shall, without application to presentment sessions, or other preliminaries, be presented and paid to the person
35 entitled thereto by the grand jury of the county by which the ordinary prison in which such person was serving immediately before the said first day of April one thousand eight hundred and seventy-eight was at such time maintained, *and the residue shall be paid out of moneys provided by Parliament.* No annuity or
40 gratuity shall be granted under the provisions of this Act to any person whose appointment, at the time of his retirement or removal from office, shall not have been duly confirmed in pursuance of the provisions of the Prisons Acts.

A.D. 1877.

Payment of
pensions by
grand juries.

36. Where any moneys shall be payable by any grand jury to any person in respect of any annuity or gratuity under the provisions of this Act, such grand jury shall from time to time provide for the payment of the same out of the same funds and in like manner in every respect as if the person to whom such annuity or gratuity 5 shall have been awarded had continued to be an officer of the prison maintained by such grand jury, and as if such moneys were salary payable by the grand jury to such person as such officer as aforesaid, and this Act had not been passed; and for such purpose such grand jury shall make all such presentments and do all such 10 acts, matters, and things as may from time to time be necessary, and shall, in case of default in complying with the provisions of this section, be subject to all the provisions of the Prisons Acts relating to default in the presentment or providing for the payment of salaries of officers of ordinary prisons, anything in this Act to the 15 contrary notwithstanding.

Conditions
of pensions.

37. In case any person enjoying any superannuation allowance or compensation upon the abolition of office under the authority of this Act shall be appointed to fill any office remunerated wholly or partly out of local rates, or any office in any public department, 20 every such allowance or compensation shall cease to be paid for any period subsequent to such appointment, if the annual amount of the profits of the office to which he shall be appointed shall be equal to those of the office formerly held by him, and in case they shall not be equal to those of his former office, then no more of such 25 superannuation allowance or compensation shall be paid to him than with the salary of his new appointment shall be equal to that of his former office.

Improvement of Prisons.—New Prisons.

Power to
improve
prisons and
build new
ones.

38. Where for the purpose of enlarging, improving, or building 30 any prison it shall be necessary to acquire any lands, the General Prisons Board, with the consent of the Commissioners of Her Majesty's Treasury, may enter into agreements for the acquirement of such lands or take such lands without entering into such agreements, and for the purposes aforesaid there shall be 35 incorporated with this Act the Lands Clauses Acts; and in the said last-mentioned Acts the terms "the promoters of the undertaking" and "the company" shall for the purpose of such incorporation be deemed to mean the General Prisons Board, and the terms "the undertaking" and "the railway" used therein shall, when neces- 40 sary, be deemed to mean the works the General Prisons Board are about to execute: Provided always, that the General Prisons Board

shall not, except in respect of lands contiguous to a prison, and required for the purpose of enlarging a prison or rendering it more commodious or safe, put in force the provisions of the said Acts with respect to the purchase of land otherwise than by agreement. A.D. 1877.

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Constabulary Lock-up Houses.

39. The Commissioners of Public Works in Ireland shall, when required by the Lord Lieutenant, provide and maintain, in connexion with all such constabulary barracks as the Lord Lieutenant shall order, such proper accommodation for the temporary detention of prisoners, being unconvicted or unsentenced prisoners, as the Lord Lieutenant shall direct. Lock-ups.

All moneys necessary for providing and maintaining such accommodation as aforesaid shall in the first instance be voted by Parliament, and shall be repaid by the several counties in Ireland in such manner as the Commissioners of the Treasury shall from time to time prescribe, and the same shall be raised by grand jury presentment off each county to which the same shall be declared by the Lord Lieutenant to relate, and in such proportions as he shall think just.

For such purpose every grand jury shall make all such presentments, and do all such acts, matters, and things as may from time to time be necessary, and shall, in case of default in complying with the provisions of this section, be subject to all the provisions of the Prisons Acts relating to default in the presentment of money under these Acts, anything in this Act to the contrary notwithstanding.

Removal of Prisoners.

40. It shall be lawful for the Lord Lieutenant, by order under the hand of the chief or under secretary, to direct any person in prison in Ireland under sentence of any court, or of any competent authority for any offence committed by him, to be removed from any prison in which he is confined to any other prison in Ireland, and there to be imprisoned during his term of imprisonment, and the expenses incurred in such removal shall be defrayed by the General Prisons Board. Removal of prisoners from one prison to another.

41. Any military prisoner may be sent, removed, or transferred to any convict prison for the purpose of undergoing his sentence by the same authority and in the same manner in and by which such prisoner might, for such purpose, in pursuance of the Mutiny Act, be sent to any ordinary prison, or removed from one ordinary prison to another, or transferred from a military prison to an ordinary prison; Power to remove military prisoners. 32 & 33 Vict. c. 95. ss. 2-4.

A.D. 1877. subject, nevertheless, to the provisions of the Convict Prisons Acts as to his freedom from any putrid or infectious distemper, or to his being examined and certified by the medical officer of the convict prison to be fit to be received into the same.

Any military prisoner sent, removed, or transferred to any convict prison in pursuance of this Act shall, during his continuance in such prison, be subject to the Convict Prisons Acts in the same manner as if he were a convict; and the said prison shall be deemed to be a prison for the punishment of prisoners sent, removed, or transferred thereto in pursuance of this section; and it shall be lawful for one of Her Majesty's Principal Secretaries of State to make regulations with respect to the treatment of military prisoners who may be confined in such prison, but, until such regulations are made, such prisoners shall be subject to the regulations for the time being applicable to convicts in such prison. 10 15

Before any military prisoners are received into such convict prison, the Commissioners of the Treasury shall determine the rate to be charged for the maintenance of such prisoners, and out of what funds such rate is to be defrayed.

Any military prisoner may be discharged from such convict prison or delivered over to military custody out of the same prison, in the same manner and by the same authority in and by which he might be discharged or so delivered under the Mutiny Act from a public prison other than a military prison. 20

In the construction of this section the term "Mutiny Act" shall mean any Act for the time being in force for punishing mutiny and desertion, and for the better payment of the army and their quarters. 25

The term "military prisoner" shall mean any person subject to imprisonment by or in pursuance of the sentence of any court-martial passed either before or after the passing of this Act. 30

Jurisdiction
over prison.
28 & 29 Vict.
c. 126. s. 57.

42. Every prison wheresoever situate shall for all purposes be deemed to be within the limits of the place for which it is used as a prison.

Custody of
prisoners.
28 & 29 Vict.
c. 126. s. 58.

43. Every prisoner confined in any prison to which this Act applies shall be deemed to be in the legal custody of the governor or keeper of the same: Provided that nothing in this Act contained shall affect the jurisdiction or responsibility of the sheriff in respect of prisoners under sentence of death, or his jurisdiction or control over the prison where such prisoners are confined, and the officers thereof, so far as may be necessary for the purpose of carrying into effect the sentence of death, or for any purpose re- 35 40

lating thereto; and in any prison in which sentence of death is required to be carried into effect on any prisoner, whether such prison is or is not the common gaol of the county, the sheriff shall, for the purposes of carrying the sentence into execution, be deemed
 5 to have the same jurisdiction with respect to such prison as he has by law with respect to the common gaol of a county, or would have had if this Act had not passed.

A.D. 1877.

44. Any writ, warrant, or other legal instrument addressed to the governor or keeper of a particular prison, describing the prison by
 10 its situation or other definite description, shall be valid, by whatever title such prison is usually known, or whatever be the description of the prison, whether convict prison or ordinary prison.

Description of prison in writ.
 28 & 29 Vict. c. 126. s. 61.

45. A prisoner may be brought up in cases of adjournments and remands, and for trial, and may be removed from any one prison to
 15 another to which such prisoner may be legally removed, for the purpose of being tried or undergoing his sentence, by or under the direction of the governor or keeper of such prison, or any member of the constabulary force, or of the Dublin metropolitan police, duly authorised by such governor or keeper, and no prisoner whilst
 20 in the custody of any such governor or keeper or any member of the constabulary or metropolitan police force duly authorised by such governor or keeper shall be deemed to have escaped, although he may be taken into different jurisdictions or different places of confinement.

Removal of prisoners for trial.
 28 & 29 Vict. c. 126. s. 63.

25 46. Nothing in this Act contained relating to the removal of prisoners shall affect the power possessed by any court of law to direct the removal of any prisoner to be carried out by any officer of such court or other officer of the law.

Nothing to interfere with removal by court of law.

Discharge of Prisoners.

30 47. Any prisoner confined in a prison whose term of imprisonment would, according to his sentence, expire on any Lord's Day, shall be entitled to his discharge on the Saturday next preceding such Lord's Day; and the governor of every prison having the custody of any such prisoner as aforesaid is hereby required and
 35 authorised to discharge such prisoner on the Saturday next preceding any such Lord's Day.

When term of imprisonment expires on Sunday, prisoner to be discharged on preceding day.
 28 & 29 Vict. c. 126. s. 41.

48. The Chief Secretary, upon the application of any one or more member or members of any society formed for the purpose of finding employment for discharged prisoners, and enabling them
 40 by loans and grants of money to live by honest labour, and after examining the rules of such society, and receiving such evidence

Chief Secretary may grant certificates to Prisoners Aid Societies.

A.D. 1877. as he thinks fit as to the condition of such society, may issue a certificate under his hand to the effect that such society is approved by him for the purposes of this Act, and he may subsequently at any time, upon due cause shown, by a writing under his hand, revoke or suspend such certificate, and any society in respect of 5 which such certificate as aforesaid has been granted and remains in force shall be deemed to be a "Certified Prisoners Aid Society," and to be entitled to such privileges as are herein-after mentioned.

Allowance
to discharged
prisoner.
28 & 29 Vict.
c. 126. s. 42.

49. Where any prisoner is discharged from prison, the General Prisons Board may, in addition to any sums by law payable to such 10 prisoner, order a sum of money not exceeding two pounds to be paid out of any moneys under their control, and applicable to the payment of the expenses of the prison, by the governor to the prisoner himself, or to the treasurer of a certified Prisoners Aid Society, on his receiving from such society an undertaking in writing, 15 signed by the secretary thereof, to apply the same for the benefit of the prisoner, or, if that becomes impossible, repay the same to the General Prisons Board.

Discharged
prisoner
provided
with means
of returning
home.
28 & 29 Vict.
c. 126. s. 43.

50. When a prisoner is discharged from prison the General Prisons Board may provide such prisoner, out of any moneys under 20 their control, and applicable to the payment of the expenses of the prison, with the means of returning to his home by causing his fare to be paid by railway, or in any other convenient manner.

Miscellaneous.

Power for
General
Prisons
Board and
grand jury
to arrange
and refer to
arbitration.

51. The General Prisons Board on the one hand (with the assent 25 of the Lord Lieutenant, and, so far as any public moneys are concerned, with the assent of the Treasury), and a grand jury on the other, may, with a view to carry into effect the purposes of this Act, compromise any matter, or settle any difference, or refer to arbitration any matter or difference. 30

A reference to arbitration under this Act shall be to a single arbitrator, and the provisions of the Common Law Procedure Amendment Act (Ireland), 1856, shall apply accordingly.

Visiting
committees.

52. From *and after the first day of April one thousand eight hundred and seventy-eight* a visiting committee shall from time to 35 time, and at such time in each year as the Lord Lieutenant shall by order from time to time prescribe, be appointed by the grand jury of every county for every ordinary prison to which this Act applies, consisting of such number of persons being justices of the peace as having regard to the locality of such ordinary prison and 40

to the class of prisoners to be confined in such prison, may from A.D. 1877.
time to time be determined by the Lord Lieutenant.

The persons so from time to time appointed a visiting committee shall continue to act as such during such time as may be determined
5 by the Lord Lieutenant, and any person ceasing by effluxion of time to be a member of such visiting committee may be reappointed to such office.

53. The Lord Lieutenant may from time to time make, and when made repeal, alter, or add to, rules with respect to the duties
10 of a visiting committee, and such committee shall conform to any rules so made, but, subject as aforesaid, the members of such committee shall from time to time and at frequent intervals visit the prison for which they are appointed, and hear any complaints which may be made to them by the prisoners. They shall report
15 on any abuses within the prison, and also, if they think it necessary so to do, on any repairs which may be urgently required in the prison, and shall further do such acts and perform such duties in relation to a prison as they may be required to do or perform by the Lord Lieutenant.

Duties of
visiting
committee.

20 The visiting committee may exercise any powers vested at the time of the passing of this Act in the justices, or any one or more of them, being members of a board of superintendence under the Prisons Acts, with respect to the punishment of prisoners.

The visiting committee shall report as soon as may be to the
25 Chief Secretary, and in such manner as he may direct, any matters with respect to which they may consider it expedient, or may be required by the Chief Secretary to report. Any power, jurisdiction, authority, or duty by this Act vested in, exerciseable by, or imposed upon a visiting committee may be exercised and discharged by a
30 majority of the members of the committee present at any meeting at which not less than three members shall attend.

54. Due provision shall be made in every ordinary prison by the General Prisons Board for the employment of prisoners sentenced to imprisonment without hard labour and confined in such prisons
35 respectively, and the nature and amount of such employment shall be defined by rules to be made under this Act.

Employment
of prisoners
sentenced to
imprison-
ment with-
out hard
labour.

55. The General Prisons Board shall cause provision to be made in such prison or prisons as they shall think proper, so that prisoners convicted of misdemeanor and not sentenced to hard
40 labour shall be divided into at least two divisions, one of which shall be called the first division; and whenever any person convicted of misdemeanor is sentenced to imprisonment without hard

Division of
prisoners in
ordinary
prison.
28 & 29 Vict.
c. 126. s. 67.

A.D. 1877. labour it shall be lawful for the court or judge before whom such person has been tried to order, if such court or judge think fit, that such person shall be confined during his sentence in such prison or in some one of such prisons, and be there treated as a misdemeanant of the first division, and a misdemeanant 5 of the first division shall be treated in accordance with such rules as may from time to time be made in that behalf under the provisions of this Act.

Charitable
donations
and bequests
for poor
prisoners.

56. Whereas certain charitable donations and bequests have from time to time been made, and are still payable, for the benefit of poor 10 debtors confined in prisons in Ireland; and whereas in consequence of the passing of the Debtors Act (Ireland), 1872, and the rules and discipline established in the various prisons in Ireland, it has in many cases been found to be inconsistent with the rules and discipline of the said prisons, or otherwise impracticable, to apply 15 the said charitable bequests in the manner directed by the several donors or testators: Therefore it shall be lawful for the Commissioners of Charitable Donations and Bequests for Ireland to apply, or to order the application of any of such donations or bequests to such charitable purposes as they shall judge to be best, having regard 20 to the intentions of the donor or testator; and such application or order shall be made in the manner prescribed by the provisions of the sixth section of the Charitable Donations and Bequests Act (Ireland), 1871; and shall be valid and effectual, although the amount of any such donation or bequest shall exceed the amounts 25 specified in the said section.

Saving as to
commissions.
28 & 29 Vict.
c. 126. s. 82.

57. Nothing in this Act contained relating to the custody of prisoners shall affect the validity of any commission of gaol delivery, commission of oyer and terminer, or other commission, precept, writ, warrant, or other document, notwithstanding the same may 30 be addressed to or make mention of the sheriff of any county, city, or place, instead of being addressed to or making mention of the governor of a prison or prisons; and every such commission, precept, writ, warrant, or other document shall be obeyed by the governor and take effect in the same manner as if the governor had been 35 named therein instead of the sheriff.

Prisons (Ireland).

A

B I L L

To amend the Law relating to Prisons
in Ireland.

(*Prepared and brought in by*
*Sir Michael Hicks-Beach and Mr. Solicitor-
General for Ireland.*)

Ordered, by The House of Commons, to be Printed,
9 February 1877.

[Bill 3.]

Under A 02.

Prisons (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Extent of Act.
3. Interpretation of terms.

PART I.

General Prisons Board.

4. Establishment of General Prisons Board.
5. Appointment of officers.
6. Salaries.
7. Abolition of office of inspector general and director of convict prisons.
8. Superannuation of inspector general of prisons and director of convict prisons.
9. Transfer to General Prisons Board of powers of inspectors general of prisons, directors of convict prisons, &c.
10. New establishment to be formed from old.
11. Powers of board and inspectors to summon witnesses.
12. General Prisons Board to make rules with respect to prisons.
13. Special rules as to treatment of unconvicted prisoners and certain other prisoners.
14. Rules as to treatment of persons confined for nonpayment of sums adjudged by justices to be paid.
15. Board to make reports.
16. Useful trades and industries in prisons.

PART II.

Transfer and Administration of Prisons.

17. Transfer of ordinary prisons.

[Bill 219.]

Clause.

18. Power to improve prisons and build new ones.
19. Control of Treasury as to works.
20. Grand juries and boards of superintendence to discharge duties, &c. until 1st April 1878.
21. Amendment of 14 & 15 Vict. c. 85. s. 4. and 31 & 32 Vict. c. 59. s. 15.
22. Provision as to continuing contracts.
23. Lock-ups.

Visiting Committee of Justices.

24. Visiting committees.
25. Duties of visiting committee.

Status of Prison Officers.

26. Position and duties of existing officers of prisons.
27. Appointment, tenure, and salary of officers.
28. Removal of officers and servants from apartments.

Power to alter Condition of Prisons and to close Prisons.

29. Power to Lord Lieutenant to alter legal condition of prisons.
30. Disposal of ordinary prison where such prison is closed.

Superannuation.

31. Superannuation of officers and abolition of office after a year.
32. Superannuation of medical officers.
33. Conditions of pensions.
34. Presentments.

Removal of Prisoners.

35. Removal of prisoners from one prison to another.
36. Confinement of prisoners before and during trial.
37. Confinement of prisoners after conviction.
38. Confinement of debtors and prisoners who are not criminal prisoners.
39. Saving as to commitment of prisoners.
40. Custody of prisoners.
41. Description of prison in writ.
42. Removal of prisoners for trial.

Clause.

43. Sheriff not liable for escape.

Miscellaneous.

44. Chief Secretary may grant certificates to Prisoners Aid Societies.
 45. Allowance to discharged prisoner.
 46. Power for General Prisons Board and grand jury to arrange and refer to arbitration.
 47. Employment of prisoners sentenced to imprisonment without hard labour.
 48. Division of prisoners in ordinary prison.
 49. Certain prisoners shall be treated as first-class misdemeanants.
 50. Saving clause as to reformatory and industrial schools.
 51. Saving clause as to pensions.
 52. Test of malingering.
 53. Limitation of time of confinement in punishment cells.
 54. As to inquests on bodies of prisoners.
 55. Conditions as to rules.
 56. Charitable donations and bequests for poor prisoners.
 57. Unnecessary offices and duties.
 58. Saving as to commissions.
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A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to Prisons in Ireland.

A.D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5

Preliminary.

1. This Act may be cited as "The General Prisons (Ireland) Act, 1877." Short title.

2. This Act shall extend to Ireland only. Extent of Act.

3. In this Act,

10 The term "Lord Lieutenant" shall mean the Lord Lieutenant, or other chief governor or governors of Ireland for the time being : Interpretation of terms.
"Lord Lieutenant."
The term "Privy Council" shall mean Her Majesty's Privy Council in Ireland : "Privy Council."

15 The term "county" shall extend to and include county of a city, county of a town, city and county, city, and town : "County."

The term "grand jury" shall, as regards any borough, the town council of which is authorised to make presentments for the prisons thereof, include such council : "Grand jury."

The term "assizes" shall include presenting term : "Assizes."

20 The term "treasurer of the county" shall include any person or persons or bank performing duties analogous to those of the "treasurer of the county" in any county, and in the application of this Act to the county of Dublin it shall include the finance committee : "Treasurer of the county."

25 The term "secretary to the grand jury" shall, as regards any borough the town council of which is authorised to make presentments for the prisons thereof, include the town clerk : "Secretary to the grand jury."

[Bill 219.]

A

A.D. 1877. "Prisons Acts."	The term "Prisons Acts" shall mean the Act passed in the session of Parliament held in the seventh year of the reign of King George the Fourth, chapter seventy-four, intituled "An Act for consolidating and amending the Laws relating to Prisons in Ireland," and the Acts altering, amending, or affecting the same :	5
"Ordinary prison."	The term "ordinary prison" shall mean any gaol, district bridewell, bridewell, and prison under the Prisons Acts :	
"Convict Prisons Acts."	The term "Convict Prisons Acts" shall mean the Act passed in the session of Parliament held in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter seventy-six, intituled "An Act for the formation, regulation, and government of Convict Prisons in Ireland," and the Acts altering, amending, or affecting the same :	10
"Convict prison."	The term "convict prison" shall mean any prison under the control and management of the directors of convict prisons for Ireland under the Convict Prisons Acts :	15
"Prison."	The term "prison" shall include convict prison and ordinary prison :	
"Prisoner" and "main- tenance."	The term "prisoner" for the purposes of this Act means any person committed to prison on remand or for trial, safe custody, punishment, or otherwise ; and the term "main-tenance of a prisoner" includes all necessary expenses incurred in respect of a prisoner for food, clothing, and custody ; and also for his safe conduct and removal from one place of confinement to another from the period of his being received into prison, on committal for trial, or on summary conviction, until his death or discharge from prison ; with this proviso, that nothing in this Act shall exempt a prisoner from payment of any costs or expenses in respect of his conveyance to prison or otherwise which he would have been liable to pay if this Act had not been passed :	20 25 30
"Governor."	The term "governor" shall include the gaoler or keeper of any prison :	
"Property."	The term "property" shall include things in action and rights of action :	35
"Lands Clauses Acts."	The term "Lands Clauses Acts" shall mean the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860 ; the Railways Act (Ireland), 1851 ; the Railways Act (Ireland), 1860 ; the Railways Act (Ireland), 1864, and the Railway Traverse Act.	40

PART I.

General Prisons Board.

4. A board shall be established to be called "the General Prisons Board for Ireland" (in this Act referred to as "the General Prisons Board"), and such board shall consist of a chairman, a vice-chairman, and not more than two other members, to be appointed by the Lord Lieutenant by warrant, and to hold office during the pleasure of the Lord Lieutenant, and such board shall, subject to such directions as they may from time to time receive from the Lord Lieutenant and to the provisions of this Act, have the control and management of all prisons and of all persons confined therein, and may make contracts and do all other acts necessary for the maintenance of such prisons and the persons confined therein. The General Prisons Board shall defray the expenses incurred in the performance of the various duties hereby committed to them out of such moneys as may be provided by Parliament for such purposes respectively.

Establish-
ment of
General
Prisons
Board.

- Whenever from time to time any vacancy upon the General Prisons Board shall occur by reason of the death, removal, or resignation of any member thereof, or otherwise, the Lord Lieutenant may by the like warrant appoint some other fit person to fill such vacancy.

Any one member of such board may also hold the appointment of inspector of industrial and reformatory schools.

- The members of the said board so appointed, and their successors, shall, by the name of "the General Prisons Board for Ireland," be a body corporate with a common seal, and with power to acquire and hold land without license in mortmain so far as may be necessary for the purposes of this Act.

- The General Prisons Board shall be deemed to be established from and after the date of the first appointment of the chairman of the same under this Act, which period is in this Act referred to as the "commencement of this Act," and, except where otherwise expressly provided, the provisions of this Act shall from and after such period come into operation and have effect.

- Any act or thing required or authorised to be done by the General Prisons Board may be done by any one or more members of the board as the Lord Lieutenant may direct; and the said board shall, in the exercise of their powers and jurisdictions under this Act, conform to any directions which may from time to time be given them by the Lord Lieutenant.

A.D. 1877. — No act or proceeding of the General Prisons Board shall be invalidated or be illegal in consequence only of there being any vacancy on such board at the time of such act or proceeding.

Appoint-
ment of offi-
cers.

5. The Lord Lieutenant may, from time to time, with the approval of the Commissioners of Her Majesty's Treasury, appoint 5 such inspectors, officers, clerks, and servants as he may deem necessary for the purpose of assisting the General Prisons Board in the performance of their duties under this Act, and the Lord Lieutenant may from time to time remove such inspectors, officers, clerks, and servants as and when he shall think fit. 10

Salaries.

6. There shall be paid, out of moneys provided by Parliament, to the chairman, vice-chairman, and members of the General Prisons Board, and to the inspectors, officers, clerks, and servants appointed under this Act respectively, such salaries as the Lord Lieutenant may, with the consent of the Treasury, determine. 15

Abolition of
office of
inspector
general
and director
of convict
prisons.

7. From and after the commencement of this Act the offices following; that is to say,

Of inspector general of prisons under the Prisons Acts;

Of director of convict prisons under the Convict Prisons Acts;

Of registrar of criminals under the Prevention of Crimes Act, 20 1871,

shall be and the same are hereby abolished, and the persons at such time holding such offices shall cease to hold the same respectively.

The Corporation of Directors of Convict Prisons for Ireland is hereby dissolved. 25

Superannua-
tion of in-
spectors
general of
prisons and
director of
convict
prisons.

8. In case any person who immediately before the commence-
ment of this Act shall hold the office of inspector general of prisons
or director of convict prisons shall be appointed a member of the
General Prisons Board, the time during which such person shall
have served in such office of inspector general or director of convict 30
prisons shall be taken into account in reckoning, for the purpose of
superannuation, the period of his service on the General Prisons
Board; and in case any such person shall not be so appointed, or
shall refuse such appointment if tendered to him, he shall be
entitled to such superannuation allowance or compensation as the 35
Commissioners of the Treasury shall fix and determine, and as may
be granted under the provisions of the Superannuation Act, 1859, to
a person retiring or removed from the public service in consequence
of the abolition of his office, or for the purpose of facilitating im-
provements in the organization of the department to which he 40
belongs.

9. From and after the commencement of this Act all powers, jurisdictions, and duties, at such time vested in or imposed upon the inspectors general of prisons under the Prisons Acts, the directors of convict prisons under the Convict Prisons Acts, and the registrar of criminals under the Prevention of Crimes Act, 1871, shall be transferred to and imposed upon the General Prisons Board, who shall, subject to the control of the Lord Lieutenant, exercise and perform the same in such manner as may be prescribed by this Act, and in the absence of express provisions, and so far as any such provisions shall not extend, in like manner and subject to the same conditions as near as may be as the said inspectors general of prisons, directors of convict prisons, and registrar of criminals might, but for the passing of this Act, have exercised and performed the same. All the business which previously to the commencement of this Act was performed and transacted in the several offices of the inspectors general of prisons, of the directors of convict prisons, and of the registrar of criminals respectively, shall be performed and transacted in the office of the General Prisons Board.

A.D. 1877.
Transfer to
General Pri-
sons Board
of powers of
inspectors
general of
prisons,
directors of
convict pri-
sons, &c.

10. Whereas it is expedient that the establishment of the General Prisons Board should in the first instance be formed of persons who, immediately before the commencement of this Act, shall be employed in various capacities in the several offices of the inspectors general of prisons, of the directors of convict prisons, and of the registrar of criminals respectively; therefore the establishment of the General Prisons Board shall be at first formed out of the establishments of the said offices in such manner as the Lord Lieutenant may direct and the Commissioners of Her Majesty's Treasury may approve; and no fresh appointment to such establishment shall be made so long as the duties can be provided for by the recall to active service of any person who, having been on the establishment of any of the said offices, may be or may hereafter be placed on the compensation list. The Lord Lieutenant may, with the consent in each case of the Commissioners of Her Majesty's Treasury, appoint any of such persons whom he shall think fit, having regard to the absolute length of service and the relative seniority and the previous duties of each such person, to a position in the office of the General Prisons Board, involving duties the same as or analogous to those previously performed by such person.

New esta-
blishment to
be formed
from old.

Any such person who shall decline to accept any position tendered to him as aforesaid, of which the salary shall not be less than that enjoyed by him at the time of such tender, shall, if in a competent state of health for the discharge of the duties of such

A.D. 1877. position, and if under sixty years of age, be deemed to have resigned his office, and shall not be entitled to the grant of any superannuation allowance or compensation, and any such person to whom no such position shall be tendered shall be entitled to such superannuation allowance or compensation as the Commissioners of Her Majesty's Treasury shall fix and determine, and as may be granted under the provisions of the Superannuation Act, 1859, to a person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs. 5 10

Powers of board and inspectors to summon witnesses.

11. Every member of the General Prisons Board and every inspector appointed under this Act may by summons under his hand require the attendance of all such persons as he shall think fit to call before him, upon any matter connected with the execution of this Act, at such time and place as shall be set forth in such summons, and may make inquiry and require returns, and may administer oaths and examine all such persons on oath, and may require and enforce the production upon oath of books, contracts, agreements, accounts, and other documents in anywise relating to any such matter: Provided always, that no person shall be required, in obedience to any such summons, to go more than twenty statute miles from the place of his abode: Provided also, that nothing herein contained shall empower any member of the General Prisons Board or any inspector to require the production of the title or any papers or deeds relating to the title of any lands, tenements, or hereditaments not being property vested in the General Prisons Board. 15 20 25

Every person who upon any examination under the authority of this Act shall wilfully give false evidence, or wilfully make or subscribe a false declaration shall be guilty of perjury; and every person who shall refuse or wilfully neglect to act in obedience to any such summons, or to give evidence, or who shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, agreements, accounts, or other documents which may be required to be produced for the purposes of this Act to any person authorised by this Act to require the production thereof, shall be deemed guilty of a misdemeanor. 30 35

General Prisons Board to make rules with respect to prisons.

12. The General Prisons Board may, subject to the approval of the Lord Lieutenant and Privy Council, from time to time after the commencement of this Act, by rules to be made in manner herein after prescribed, alter or repeal the byelaws in force for the time being for the regulation of any prison and for the duties and con- 40

duct of the governor and other officers of the said prison, and for the classification, diet, clothing, maintenance, employment, instruction, discipline, and correction of all persons confined therein, and may repeal rules so made and may make new rules instead thereof.

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- 5 No rule shall be made by the General Prisons Board inconsistent with any of the regulations contained in the one hundred and ninth section of the Act of the seventh year of the reign of King George the Fourth, chapter seventy-four.

13. Whereas it is expedient that a clear difference shall be made
 10 between the treatment of persons unconvicted of crime and in law presumably innocent during the period of their detention in prison for safe custody only, and the treatment of prisoners who have been convicted of crime during the period of their detention in prison for the purpose of punishment, and that, in order to secure the obser-
 15 vance of such difference there shall be in force in every place in which prisoners are confined for safe custody only, special rules regulating their confinement in such manner as to make it as little as possible oppressive, due regard only being had to their safe custody, to the necessity of a conformity to regular rules for the
 20 purpose of preserving order and good government in the place in which they are confined, and to the physical and moral well-being of the prisoners themselves ; therefore, be it enacted, that the General Prisons Board shall, subject to the approval of the Lord Lieutenant and Privy Council, make, and when made may from
 25 time to time repeal, alter, or add to special rules :

Special rules
 as to treat-
 ment of
 unconvicted
 prisoners
 and certain
 other
 prisoners.

- (1.) With respect to the retention by a prisoner of the possession
 of any books, papers, or documents in his possession at the
 time of his arrest, and which may not be required for
 evidence against him, and are not reasonably suspected of
 30 forming part of property improperly acquired by him, or
 are not for some special reason required to be taken from
 him for the purposes of justice ;
- (2.) With respect to communications between a prisoner, his
 solicitor, and friends, so as to secure to such prisoner as
 35 unrestricted and private communication between him, his
 solicitor, and his friends as may be possible, having regard
 only to the necessity of preventing any tampering with
 evidence, and any plans for escape, or other like con-
 siderations ; and
- 40 (3.) With respect to arrangements whereby prisoners may provide
 themselves with articles of diet, or may be furnished with
 a sufficient quantity of wholesome food, and may be pro-

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ected from being called upon to perform any unaccustomed tasks or offices; also any matter which the General Prisons Board may think conducive to the amelioration of the condition of a prisoner who has not been convicted of crime, regard being had to such matters as are in this section directed to be regarded. 5

Rules as to treatment of persons confined for nonpayment of sums adjudged by justices to be paid.

14. The General Prisons Board may, subject to the approval of the Lord Lieutenant and Privy Council, from time to time make, and when made repeal, alter, or add to, rules with respect to the classification and treatment of prisoners imprisoned for non-compliance with the order of a justice or justices to pay any sum of money, or imprisoned in respect of the default of a distress to satisfy a sum of money adjudged to be paid by order of a justice or justices. 10

Board to make reports.

15. The General Prisons Board shall, at such time or times as the Lord Lieutenant may appoint, make a report or reports to the Lord Lieutenant of the condition of the prisons and prisoners within their jurisdiction, and with respect to the registration of criminals; and an annual report to be made by them with respect to every prison within their jurisdiction shall be laid before both Houses of Parliament. 20

Such report shall include a yearly return of all punishments of any kind which may have been inflicted within each prison, and the offences for which such punishments were inflicted.

So much of any Statute in force immediately before the time of the passing of this Act as would impose upon the General Prisons Board any obligation to make any report shall be and the same is hereby repealed; and the several reports in this section mentioned shall be in substitution for all the reports heretofore made by the inspectors general of prisons, the directors of convict prisons, and the registrar of criminals respectively. 25 30

Useful trades and industries in prisons.

16. Whereas it is expedient that the expense of maintaining in prison prisoners who have been convicted of crime should in part be defrayed by their labour during the period of their imprisonment, and that, with a view of defraying such expenses and also of teaching prisoners modes of gaining honest livelihoods, means should be taken for promoting in prison the exercise of and instruction in useful trades and manufactures, so far as may be consistent with a due regard on the one hand to the maintenance of the penal character of prison discipline, and on the other to the avoidance of undue pressure on or competition with a particular trade or industry: Be it enacted that the annual report 35 40

of the General Prisons Board required by this Act to be laid before Parliament shall state the various trades and manufacturing processes carried on in each of the prisons within their jurisdiction, and such statement shall contain such particulars as to the kind
 5 and quantities of, and as to the commercial value of the labour employed on, such trades and manufactures, and as to the number of prisoners employed, and otherwise, as may in the opinion of the Lord Lieutenant be best calculated to afford information to Parliament.

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PART II.

Transfer and Administration of Prisons.

17. On the first day of April one thousand eight hundred and seventy-eight all the estate and interest of any grand jury, commissioners, board of superintendence, board, or trustees in any
 15 lands, buildings, tenements, or hereditaments used as or appertaining to any prison, and in any property, real or personal, belonging to or appropriated to the use of any prison or belonging to or vested in any grand jury, commissioners, board of superintendence, board, or trustees in trust for prison purposes, shall be transferred to and
 20 shall vest in the General Prisons Board for the purposes of this Act, subject to any quitrents, head rents, or rents payable in respect of the same, but absolutely freed and discharged from all debts, liabilities, or engagements affecting the same, and from and after
 25 such first day of April one thousand eight hundred and seventy-eight every grand jury and county is hereby relieved from all and every obligation to provide and maintain prisons and, save as by this Act otherwise provided, to provide for prisoners; and thenceforth all powers of every such grand jury with respect to the presentment of public moneys or the making of rates for such
 30 purposes as aforesaid shall, save as by this Act otherwise provided, absolutely cease and determine.

Transfer of
ordinary
prisons.

From and after the first day of April one thousand eight hundred and seventy-eight all boards of superintendence of prisons shall cease to exist as such, and thereupon all powers,
 35 jurisdictions, and duties at such time vested in or imposed upon grand juries and boards of superintendence, or any members of them as justices or otherwise, with respect to prisons or the maintenance thereof or the persons confined therein shall be transferred to and vested in the General Prisons Board, who shall exercise and per-
 40 form the same, in like manner and subject to the same conditions, as

A.D. 1877. — near as may be, as such grand juries and boards of superintendence respectively might, but for the passing of this Act, have exercised and performed the same.

Power to improve prisons and build new ones.

18. Where for the purpose of enlarging, improving, or building any prison it shall be necessary to acquire any lands, the General Prisons Board, with the consent of the Commissioners of Her Majesty's Treasury, may enter into agreements for the acquirement of such lands or take such lands without entering into such agreements, and for the purposes aforesaid there shall be incorporated with this Act the Lands Clauses Acts; and in the said last-mentioned Acts the terms "the promoters of the undertaking" and "the company" shall for the purpose of such incorporation be deemed to mean the General Prisons Board, and the terms "the undertaking" and "the railway" used therein shall, when necessary, be deemed to mean the works the General Prisons Board are about to execute: Provided always, that the General Prisons Board shall not, except in respect of lands contiguous to a prison, and required for the purpose of enlarging a prison or rendering it more commodious or safe, put in force the provisions of the said Acts with respect to the purchase of land otherwise than by agreement.

Control of Treasury as to works.

19. All works, matters, and things necessary for the maintenance, repair, rebuilding, enlargement, and improvement of buildings, lands, and premises by this Act transferred to and vested in or placed under the control of the General Prisons Board, or for the building of new prisons, shall be executed and done by the General Prisons Board according to such general rules as the Commissioners of Her Majesty's Treasury may from time to time make; and except in accordance with such rules no such works, matters, or things shall be commenced, executed, or done without the special sanction of the Commissioners of Her Majesty's Treasury.

Grand juries and boards of superintendence to discharge duties, &c. until 1st April 1878.

20. Nothing in this Act contained shall be construed to alter or affect the duties and liabilities of grand juries or boards of superintendence with respect to prisons, or the maintenance thereof, and of the prisoners confined therein until the first day of April one thousand eight hundred and seventy-eight, or with respect to the discharge of any debts due in respect thereof, or with respect to the repayment of moneys advanced on the faith of any presentment or presentments for the building, altering, or enlarging of prisons or otherwise with respect thereto; and up to that day they shall respectively perform all such duties and discharge such liabilities and keep all such prisons and all buildings connected therewith in good and substantial repair, and up to and after

such day until such debts and liabilities shall be discharged and such moneys shall be repaid, they shall pay off and satisfy all such debts and liabilities and pay all such moneys which, in the ordinary course, and but for this Act, should be by them
 5 paid or satisfied, and they shall provide for the payment or satisfaction of the same in like manner in every respect as if this Act had not been passed, and shall for such purpose make any and all presentments, and do all acts, matters, and things, and raise all moneys which may be necessary, and which, but for the passing of
 10 this Act, they should have made, done, or raised.

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Nothing in this Act contained shall affect any right or claim of any creditor of a grand jury or board of superintendence under any contract legally made, or in respect of any dealing legally had under the Prisons Acts and this Act before the first day of April
 15 one thousand eight hundred and seventy-eight, and as between such creditor and the grand jury or board of superintendence of which he is a creditor, such contract may be enforced in the same manner in all respects as if this Act had not been passed.

Any contract made or obligation undertaken by any grand jury
 20 or town council with any other grand jury or town council for or in relation to the maintenance of any prison or prisoners, or any matter relating to such maintenance, shall be deemed to be determined on and after the first day of April one thousand eight hundred and seventy-eight, without prejudice nevertheless to any
 25 liability incurred, or to any moneys which may have accrued due under or in respect to such contract or obligation, at or before the said first day of April one thousand eight hundred and seventy-eight.

21. From and after the first day of April one thousand eight
 30 hundred and seventy-eight, the powers and duties vested in and imposed upon the several boards of superintendence by the fourth section of the Act of the session of Parliament held in the fourteenth and fifteenth years of the reign of Her present Majesty, chapter eighty-five, as amended by this Act and by the fifteenth
 35 section of the Irish Reformatory Schools Act, 1868, as to the payment of the expenses mentioned in the said sections, shall be transferred to the grand jury by which each such board of superintendence was customarily appointed; and the accounts prescribed by the said sections respectively shall be transmitted to the secretary
 40 of such grand jury at a reasonable time before each assizes; and the said sections shall be read and construed as if the grand jury of each county were named therein instead of the board of superintendence.

Amend-
 ment of
 14 & 15 Vict.
 c. 85. s. 4.
 and
 31 & 32 Vict.
 c. 59. s. 15.

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Provision as
to continu-
ing con-
tracts.

22. Where any contract entered into under the authority of the Prisons Acts in which any grand jury or board of superintendence is concerned is a continuous contract, to be performed partly before and partly after the first day of April one thousand eight hundred and seventy-eight, such contract shall be deemed to 5 be divisible, and as to so much thereof as is performable before the said first day of April, shall create a debt or obligation to be discharged or performed by the grand jury or board of superintendence concerned therein, and as to so much thereof as is performable after the said first day of April, to create a debt or 10 obligation to be discharged or performed by the General Prisons Board out of moneys provided by Parliament.

Lock-ups.

23. The Commissioners of Public Works in Ireland shall, when required by the Lord Lieutenant, provide and maintain, in connexion with all such constabulary barracks as the Lord 15 Lieutenant shall order, such proper accommodation for the temporary detention of prisoners, being unconvicted or unsentenced prisoners, as the Lord Lieutenant shall direct.

All moneys necessary for providing and maintaining such accommodation as aforesaid shall in the first instance be voted by 20 Parliament, and shall be repaid by the several counties in Ireland in such manner as the Commissioners of the Treasury shall from time to time prescribe, and the same shall be raised by grand jury presentment off each county to which the same shall be declared by the Lord Lieutenant to relate, and in such proportions as he shall 25 think just.

Visiting Committee of Justices.

Visiting
committees.

24. From and after the first day of April one thousand eight hundred and seventy-eight a visiting committee shall, at such time in each year and in such manner as the Lord Lieutenant shall by 30 order from time to time prescribe, be appointed by the grand jury of every county for every prison the board of superintendence of which shall have been dissolved by this Act, consisting of such number of persons being justices of the peace as, having regard to the locality of such prison and to the class of prisoners to be con- 35 fined in such prison, may from time to time be determined by the Lord Lieutenant.

Duties of
visiting
committee.

25. The Lord Lieutenant shall, on or before the first day of April one thousand eight hundred and seventy-eight, make and publish, and may from time to time thereafter repeal, alter, or add to, 40 rules with respect to the duties of a visiting committee, and such

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committee shall conform to any rules so made, and for the time being in force, but, subject as aforesaid, the members of such committee shall from time to time and at frequent intervals visit the prison for which they are appointed, and hear any complaints which may be
 5 made to them by the prisoners, and, if asked, shall do so privately. They shall report on any abuses within the prison, and also on any repairs which may be urgently required in the prison, and shall further take cognizance of any matters of pressing necessity and within the powers of their commission as justices, and do such acts
 10 and perform such duties in relation to a prison as they may be required to do or perform by the Lord Lieutenant.

Subject to the provisions of this Act, the visiting committee may exercise any powers vested at the time of the passing of this Act in the justices, or any one or more of them, being members of a
 15 board of superintendence under the Prisons Acts, with respect to the punishment of prisoners. Nothing in this Act, or in any rules to be made under this Act, shall restrict any member of the visiting committee for any prison from visiting the prison at any time, and any such member shall at all times have free access to every part
 20 of the prison and to every prisoner confined therein.

The visiting committee shall report to the Lord Lieutenant any matters with respect to which they may consider it expedient, and shall report to the Lord Lieutenant as soon as may be, and in such manner as he may direct, any matter respecting which they
 25 may be required by him to report.

Status of Prison Officers.

26. The officers attached to prisons on the first day of April one thousand eight hundred and seventy-eight (in this Act referred to as existing officers of a prison) shall hold their offices by the
 30 same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive salaries of not less amount than those which they have hitherto received.

Such existing officers as aforesaid (except all local inspectors, chaplains, medical officers, and apothecaries,) may be distributed
 35 amongst the several prisons to which this Act applies in such manner as may be directed by the General Prisons Board, and all such officers shall perform such duties as they may be required to perform by the said General Prisons Board, so that such duties are the same or analogous to those they performed previously to the
 40 commencement of this Act, and, subject as aforesaid, they shall perform the same duties as nearly as may be as they shall be performing at the said date.

Position and
duties of
existing
officers of
prisons.

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An existing officer of a prison who is at the commencement of this Act in the receipt of military or naval half-pay, or who has, at or before such commencement as aforesaid, commuted his pension in pursuance of the Pensions Commutation Act, 1871, or is in receipt of any pension payable out of public moneys, shall not be subject to 5 any deduction from his salary, or to be deprived of any portion of his half-pay, or of his pension, by reason of his salary being thenceforward paid out of public moneys, or of his employment becoming a public employment, or an employment of profit under Her Majesty, within the meaning of the Acts of Parliament providing for such 10 deduction of salary or deprivation of half-pay, nor be disqualified from receiving such half-pay or pension by reason of his becoming by virtue of this Act a civil servant of Her Majesty.

From and after the first day of April one thousand eight hundred and seventy-eight, no surgeon of the infirmary of any county 15 shall be bound or required as a condition precedent to the making of any presentment for his salary as such surgeon under the provisions of the eighty-sixth section of the Act of the session of Parliament holden in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred 20 and sixteen, to give his attendance or assistance to the prisoners or others in the gaol of such county; but no such surgeon shall be entitled, save as provided by section thirty-two of this Act, to any compensation, gratuity, or allowance whatever by reason of the discontinuance of any attendance or assistance at any gaol which, 25 but for the passing of this Act, he would have been bound to give as a condition precedent to the making of a presentment to him for his salary as surgeon to the county infirmary under the provisions of the said section.

Appoint-
ment, tenure
and salary of
officers.

27. From and after the first day of April one thousand eight 30 hundred and seventy-eight every governor, matron or female superintendent, chaplain, and medical officer of a prison shall be appointed by the Lord Lieutenant; every other officer and servant of a prison shall be appointed by the General Prisons Board, subject to the approval of the Lord Lieutenant. Every such appoint- 35 ment, except those of chaplain and medical officer, shall be for general prison service; and every such officer and servant shall hold his office or situation during the pleasure of the Lord Lieutenant, and shall receive such salary as the Lord Lieutenant, with the consent of the Commissioners of Her Majesty's Treasury, shall 40 from time to time appoint.

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Removal of
officers and
servants from
apartments.
17 & 18 Vict.
c. 76. s. 9.

28. Whenever any officer or servant of any prison is suspended, removed from, or resigns his office, or departs this life, the officer or servant so suspended, removed, or resigning, and his family, and the family of every such deceased officer or servant, shall quit the
5 possession of any house or apartments in or belonging to such prison in which he or they shall have previously resided by virtue of such office when required so to do by notice in writing from the General Prisons Board; and if he or they refuse or neglect to give such possession within forty-eight hours after the service of such notice,
10 any justice of the peace, upon proof made to him of such removal, resignation, or death, and of the service of such notice, and of such neglect or refusal to comply therewith, may, by warrant, direct any constable, within a period therein named, to enter by force, if necessary, into such premises, and deliver possession thereof to the
15 General Prisons Board, or to any person appointed by them.

Power to alter Condition of Prisons and to close Prisons.

Power to
Lord Lieu-
tenant to
alter legal
condition of
prisons.

29. From and after the first day of April one thousand eight hundred and seventy-eight the Lord Lieutenant may by order from time to time close any prison or prisons, or may direct that any
20 prison shall be a legal place of confinement only for certain classes of prisoners specified in such order, and that any part of the same shall be closed: Provided that in every county there remain one prison, unless the Lord Lieutenant otherwise order for special reasons to be stated in his order.
- 25 Whenever the Lord Lieutenant shall have made any such order, a prison or prisons shall be named in such order to which prisoners who but for such order would have been confined in the prison so wholly or in part closed, shall be removed or committed, and in which they shall be kept in custody, and any such
30 substituted prison shall thenceforth and so long as such order is in force, for all purposes relating to the committal, detention, trial, and punishment of the prisoners so removed and of the prisoners committed thereto in pursuance of this section, be deemed to be a legal place of confinement, and such prisoners shall, during
35 removal to and during such time as they shall be in such substituted prison, be deemed to be in the proper legal custody in every respect, and no such removal shall be deemed an escape.

Every order of the Lord Lieutenant made under the provisions of this section whereby the only prison in any county shall be
40 directed to be closed, shall be laid before both Houses of Parliament forthwith, if Parliament be sitting at the time of the order

A.D. 1877. — being made, or if not then sitting, within one month after the commencement of the then next session of Parliament.

Disposal of
ordinary
prison where
such prison
is closed.

30. Whenever, in pursuance of any such order as aforesaid, any prison shall be closed, all the estate and interest therein of the General Prisons Board shall, at the expiration of a period of five twelve months from the date of such order, be deemed to be re-transferred to and shall vest in the grand jury, commissioners, board, or trustees from whom the same was transferred to the General Prisons Board by this Act, and may thereafter be sold or disposed of in the manner and subject to the conditions prescribed by the Prisons Acts with respect to old gaols and prisons: Provided always, that in case any such prison, or any part thereof that may have been closed shall, before the expiration of such period of twelve months be required for the purposes of a reformatory, industrial school, constabulary barrack, lock-up, or any other public purpose whatsoever, the General Prisons Board may, with the consent of the Commissioners of Her Majesty's Treasury, and subject to the provisions of this Act and to such conditions as the General Prisons Board shall approve, allow the same to be used for any of such purposes, and in such case the estate and interest of the General Prisons Board therein shall, so long as such user shall continue, and until the expiration of a period of twelve months after the discontinuance of each user, remain vested in the General Prisons Board; and shall, at the expiration of such period, be deemed to be re-transferred to, and shall vest in, and may be sold or disposed of by such grand jury, commissioners, board, or trustees as are above mentioned in the manner aforesaid.

Superannuation.

Superannuation of
officers and
abolition of
office after a
year.
36 & 37 Vict.
c. 51. s. 4.

31. If at any time after the first day of April one thousand eight hundred and seventy-eight it appears to the Commissioners of Her Majesty's Treasury that any existing officer of a prison who was, within the meaning of the Prison Officers (Ireland) Superannuation Act, 1873, an officer of any prison has been in the prison service for not less than twenty years, and is not less than sixty years of age, or that any such person has become incapable, from confirmed sickness, age, or infirmity, or injury received in actual execution of his duty, of executing his office in person, and such sickness, age, infirmity, or injury is certified by a medical certificate, and there shall be a report of the General Prisons Board testifying to his good conduct during his period of service under them, and recommending a grant to be made to him, the Commissioners of Her

Majesty's Treasury may grant to such officer, having regard to his length of prison service, an annuity, by way of superannuation allowance, not exceeding two thirds of his salary and emoluments, or a gratuity not exceeding the amount of his salary and emoluments,

A.D. 1877.

5 for one year.

Any such officer of a prison who by reason of the abolition of his office, or of his compulsory retirement or removal, is deprived of any salary or emoluments, shall be dealt with in manner provided by the Superannuation Act, 1859, with respect to a person
10 retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs.

"Prison service," for the purposes of this section, means, as respects the period before the first day of April one thousand eight hundred and
15 seventy-eight, service in the ordinary prison or prisons of the county in which the officer to be superannuated shall be serving at the time of his ceasing to hold office, and as respects the period after the said first day of April one thousand eight hundred and seventy-eight, service in any such prison or in any other prison.

20 Any annuity by way of superannuation allowance or gratuity granted under this section shall be apportioned between the period of service before the said first day of April one thousand eight hundred and seventy-eight and the period of service after the said day; and so much of such annuity or allowance as is payable in
25 respect of service before the said day, regard being had to the amount of salary then paid, but without taking into account any number of years added to the officer's service on account of abolition of office, or for facilitating the organization of the department, shall, without application to presentment sessions, or other preliminaries,
30 be presented and paid to the person entitled thereto by the grand jury of the county by which the prison in which such person was serving immediately before the said first day of April one thousand eight hundred and seventy-eight was at such time maintained, and the residue shall be paid out of moneys provided by
35 Parliament. No annuity or gratuity shall be granted under the provisions of this Act to any person whose appointment, at the time of his retirement or removal from office, shall not have been duly confirmed in pursuance of the provisions of the Prisons Acts.

32. The provisions of the Prison Officers Superannuation (Ireland) Act, 1873, which relate to medical officers of prisons, shall, in the
40 case of any medical officer who shall be also surgeon to any county infirmary, and who shall have given his attendance and professional

Super-
annuation
of medical
officers.

A.D. 1877. assistance, whether with or without remuneration, to the prisoners or others in any prison up to the first day of April one thousand eight hundred and seventy-eight, and whose further attendance or assistance at such prison shall at any time thereafter cease to be required, apply to such medical officer on the occasion of his retiring from the office of surgeon of the county infirmary, as fully as the same would have applied if such medical officer had continued to give his attendance and professional assistance at such prison up to the time of his retirement from the office of surgeon of the county infirmary.

10

Conditions
of pensions.

33. In case any person enjoying any superannuation allowance or compensation upon the abolition of office under the authority of this Act shall be appointed to fill any office remunerated wholly or partly out of local rates, or any office in any public department, every such allowance or compensation shall cease to be paid for any period subsequent to such appointment, if the annual amount of the profits of the office to which he shall be appointed shall be equal to those of the office formerly held by him, and in case they shall not be equal to those of his former office, then no more of such superannuation allowance or compensation shall be paid to him than with the salary of his new appointment shall be equal to that of his former office.

15

20

Present-
ments.

34. Every grand jury shall make all such presentments, and do all such acts, matters, and things, as may from time to time be necessary to provide for any annuities, gratuities, or payments under this Act, and shall, in case of default in complying with any of the provisions of this Act, be subject to all the provisions of the Prisons Acts relating to default in the making of presentments under those Acts, anything in this Act to the contrary notwithstanding.

25

Removal of Prisoners.

30

Removal of
prisoners
from one
prison to
another.

35. It shall be lawful for the Lord Lieutenant, by order under the hand of his chief or under secretary, to direct any person in prison in Ireland under sentence of any court, or of any competent authority for any offence committed by him, to be removed from any prison in which he is confined to any other prison in Ireland, and there to be imprisoned during his term of imprisonment, and the expenses incurred in such removal shall be defrayed by the General Prisons Board; provided that a prisoner who is confined in a prison situate beyond the limits of the county, borough, or place in which he was convicted of his offence shall, at the time of his discharge, be entitled to be taken back at the public expense to the county, borough, or place in which he was so convicted.

35

40

36. The Lord Lieutenant may from time to time by any general or special rule appoint in any county a convenient prison or prisons in which prisoners are to be confined before and during trial, or at either of such times, and any prisoner who might, if this Act had not
 5 passed, have been lawfully confined in a prison situate within the area of such county may be lawfully confined in any prison or prisons so appointed: Moreover, the Lord Lieutenant may by any general or special rule from time to time appoint any convenient prison or prisons in any adjoining county to which prisoners may be
 10 committed for trial, safe custody, or otherwise, and any prisoners may be committed to such prison accordingly.

A.D. 1877.

Confinement
of prisoners
before and
during trial.

37. The Lord Lieutenant may from time to time by any general or special rule appropriate either wholly or partially particular prisons in Ireland to particular classes of persons in Ireland under
 15 sentence of any court or of any competent authority, and may remove any such person from any one prison to any other prison in Ireland for the purpose of his undergoing the whole or any portion of his punishment in such prison; provided that a prisoner who is confined in a prison situate beyond the limits of the
 20 county, borough, or place in which he was convicted of his offence shall, at the time of his discharge, be entitled to be taken back at the public expense to the county, borough, or place in which he was so convicted.

Confinement
of prisoners
after con-
viction.

38. The Lord Lieutenant may from time to time by any general
 25 or special rule appoint in any county a prison or prisons in which debtors and prisoners who are not criminal prisoners are to be confined during the period of their imprisonment, and it shall be lawful to confine in any prison so appointed during the period of his imprisonment any debtor or prisoner who is not a criminal
 30 prisoner who might, if this Act had not passed, have been confined during such period in any prison situate within the area of the county.

Confinement
of debtors
and prison-
ers who are
not criminal
prisoners.

39. Subject to this Act, and any rules made in pursuance thereof, prisoners may be committed to the same prison to which
 35 they might have been committed if this Act had not passed.

Saving as to
commitment
of prisoners.

The committal or imprisonment of a prisoner to or in a prison, if otherwise valid, shall not be illegal by reason only that such prisoner ought, according to the law for the time being in force, to have been committed to or imprisoned in some other prison, but any such
 40 prisoner as is mentioned in this section shall, on application made on his behalf in a summary manner to any judge of any of Her

A.D. 1877. Majesty's superior courts of law in Dublin, be entitled to be removed at the public expense to such other prison as aforesaid.

Custody of
prisoners.

40. Every prisoner confined in any prison to which this Act applies shall be deemed to be in the legal custody of the governor or keeper of the same: Provided that nothing in this Act contained shall affect the jurisdiction or responsibility of the sheriff in respect of prisoners under sentence of death, or his jurisdiction or control over the prison where such prisoners are confined, and the officers thereof, so far as may be necessary for the purpose of carrying into effect the sentence of death, or for any purpose relating thereto; and in any prison in which sentence of death is required to be carried into effect on any prisoner, the sheriff shall, for the purposes of carrying the sentence into execution, be deemed to have the same jurisdiction with respect to such prison as he would by law have had with respect to the common gaol of his county if this Act had not passed, and such prison were the common gaol of his county.

Description
of prison in
writ.

41. Any writ, warrant, or other legal instrument addressed to the governor or keeper of a particular prison, describing the prison by its situation or other definite description, shall be valid, by whatever title such prison is usually known, or whatever be the description of the prison.

Removal of
prisoners
for trial.

42. A prisoner may be brought up in cases of adjournments and remands, and for trial, and may be removed from any one prison to another to which such prisoner may be legally removed, for the purpose of being tried or undergoing his sentence, by or under the direction of the governor or keeper of such prison, or any member of the constabulary force, or of the Dublin metropolitan police, duly authorised by such governor or keeper, and no prisoner whilst in the custody of any such governor or keeper or any member of the constabulary or metropolitan police force duly authorised by such governor or keeper shall be deemed to have escaped, although he may be taken into different jurisdictions or different places of confinement.

Sheriff not
liable for
escape.

43. On and after the first day of April one thousand eight hundred and seventy-eight the sheriff of any sheriffdom shall not be liable for the escape of any prisoner.

Miscellaneous.

Chief Secretary
may
grant

44. The Chief Secretary to the Lord Lieutenant, upon the application of any one or more member or members of any society formed

for the purpose of finding employment for discharged prisoners, and enabling them by loans and grants of money to live by honest labour, and after examining the rules of such society, and receiving such evidence as he thinks fit as to the condition of such

A.D. 1877.
certificates
to Prisoners
Aid Soci-
ties.

5 society, may issue a certificate under his hand to the effect that such society is approved by him for the purposes of this Act, and he may subsequently at any time, upon due cause shown, by a writing under his hand, revoke or suspend such certificate, and any society in respect of which such certificate as aforesaid has been
10 granted and remains in force shall be deemed to be a "Certified Prisoners Aid Society," and to be entitled to such privileges as are herein-after mentioned.

45. Where any prisoner is discharged from prison, the General Prisons Board may, in addition to any sums by law payable to such
15 prisoner, order a sum of money not exceeding two pounds to be paid out of any moneys under their control, and applicable to the payment of the expenses of the prison, by the governor to the prisoner himself, or to the treasurer of a certified Prisoners Aid Society or refuge, on his receiving from such society an undertaking
20 in writing, signed by the secretary thereof, to apply the same for the benefit of the prisoner, or, if that becomes impossible, repay the same to the General Prisons Board.

Allowance
to discharged
prisoner.

46. The General Prisons Board on the one hand (with the assent of the Lord Lieutenant, and, so far as any public moneys are con-
25 cerned, with the assent of the Treasury), and a grand jury on the other, may, with a view to carry into effect the purposes of this Act, compromise any matter, or settle any difference, or refer to arbitration any matter or difference.

Power for
General
Prisons
Board and
grand jury
to arrange
and refer to
arbitration.

A reference to arbitration under this Act shall be to a single
30 arbitrator, and the provisions of the Common Law Procedure Amendment Act (Ireland), 1856, shall apply accordingly.

47. In every prison in which prisoners sentenced to imprison-
ment without hard labour shall be confined, due provision shall be made by the General Prisons Board for the employment of such
35 prisoners respectively, and the nature and amount of such employ-ment shall be defined by rules to be made under this Act.

Employment
of prisoners
sentenced to
imprison-
ment with-
out hard
labour.

48. The General Prisons Board shall cause provision to be made in such prison or prisons as they shall think proper, so that prisoners convicted of misdemeanor and not sentenced to hard
40 labour shall be divided into at least two divisions, one of which shall be called the first division; and whenever any person convicted of misdemeanor is sentenced to imprisonment without hard

Division of
prisoners in
ordinary
prison.
28 & 29 Vict.
c. 126. s. 67.

A.D. 1877. labour it shall be lawful for the court or judge before whom such person has been tried to order, if such court or judge think fit, that such person shall be confined during his sentence in such prison or in some one of such prisons, and be there treated as a misdemeanant of the first division, and a misdemeanant of the first division shall be treated in accordance with such rules as may from time to time be made in that behalf under the provisions of this Act. 5

Certain prisoners shall be treated as first-class misdemeanants. 49. Every prisoner under sentence inflicted on conviction for sedition or seditious libel, and any person who shall be imprisoned under any rule, order, or attachment for contempt of any court shall be, in like manner, treated as a misdemeanant of the first division. 10

Saving clause as to reformatory and industrial schools. 50. Nothing in this Act contained shall affect the power or jurisdiction of any grand jury in relation to any reformatory school or to any industrial school under the Irish Reformatory Schools Act, 1868, and the Industrial Schools Act (Ireland), 1868, or either of such Acts, or any Act amending the said Acts or either of them. 15

Saving clause as to pensions. 51. Nothing in this Act contained shall entitle any existing officer of a prison to any superannuation or other allowance the conditions of whose office would not have entitled him to superannuation or other allowance under the Prison Officers (Ireland) Superannuation Act, 1873. 20

Test of malingering. 52. Where the prison medical officer considers it necessary to apply any painful test to a prisoner to detect malingering, or otherwise, such test shall only be applied by authority of an order from the visiting committee, or a member of the General Prisons Board. 25

Limitation of time of confinement in punishment cells. 53. It shall not be lawful for the governor of any prison in exercising the powers conferred upon him by the fifteenth rule contained in the hundred and ninth section of the Act of the session of Parliament held in the seventh year of the reign of King George the Fourth, chapter seventy-four, to order any prisoner to be confined in a punishment cell for any term exceeding twenty-four hours; nor shall it be lawful for any justice in exercising the powers conferred by the sixteenth rule contained in the same section to order any prisoner to be confined in a punishment cell for any term exceeding fourteen days. 30 35

As to inquests on bodies of prisoners. 54. In no case, where an inquest is held on the body of a prisoner who dies within the prison, shall any person engaged in 40

any sort of trade or dealing with the prison be a juror on such inquest. A.D. 1877.

55. The following conditions shall apply to the rules and special rules to be made by the Lord Lieutenant, or by the General Prisons Board, under the authority of this Act : Conditions as to rules.

- (a.) No such rule or special rule shall have effect with respect to any ordinary prison before the first day of April one thousand eight hundred and seventy-eight.
- 10 (b.) Any rule made in manner aforesaid respecting matters relating to finance or to account shall, before receiving the approval of the Lord Lieutenant and Privy Council, be submitted to and approved by the Commissioners of Her Majesty's Treasury.
- 15 (c.) All such rules and special rules shall be forthwith laid in a complete form, after the same shall have been settled and approved by the Lord Lieutenant and Privy Council, before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if any such
- 20 rules shall be disapproved by either House of Parliament within forty days after the same shall have been so laid before Parliament, such rules, or such part thereof as shall be so disapproved of, shall be void and have no effect : Provided also, that no such rules shall come into force
- 25 or operation until the same shall have been laid before Parliament for forty days.

All such rules and special rules not disapproved in manner aforesaid shall be published in the Dublin Gazette, and the production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, and containing the publication of such rules, shall be conclusive evidence of the making of such rules. A copy of the rules shall be posted in some conspicuous place in every prison to which the same relate, and, so long as the same shall continue in force, shall be of the same validity as if

30 and published by the Queen's authority, and containing the publication of such rules, shall be conclusive evidence of the making of such rules. A copy of the rules shall be posted in some conspicuous place in every prison to which the same relate, and, so long as the same shall continue in force, shall be of the same validity as if

35 enacted by this Act. The rules and byelaws of every prison existing at the time of the passing of this Act shall continue in force unless and so far as the same shall not be altered or repealed in manner aforesaid.

56. Whereas certain charitable donations and bequests have from time to time been made, and are still payable, for the benefit of poor debtors confined in prisons in Ireland ; and whereas in consequence of the passing of the Debtors Act (Ireland), 1872, and the rules

Charitable donations and bequests for poor prisoners.

A.D. 1877. and discipline established in the various prisons in Ireland, it has in many cases been found to be inconsistent with the rules and discipline of the said prisons, or otherwise impracticable, to apply the said charitable bequests in the manner directed by the several donors or testators : Therefore it shall be lawful for the Commis- 5 sioners of Charitable Donations and Bequests for Ireland to apply, or to order the application of any of such donations or bequests to such charitable purposes as they shall judge to be best, having regard to the intentions of the donor or testator ; and such application or order shall be made in the manner prescribed by the provisions of 10 the sixth section of the Charitable Donations and Bequests Act (Ireland), 1871 ; and shall be valid and effectual, although the amount of any such donation or bequest shall exceed the amounts specified in the said section.

Unnecessary
offices and
duties.

57. From and after the first day of April one thousand eight 15 hundred and seventy-eight any enactment contained in the Prisons Acts which requires that a local inspector, or more than one medical officer, or an apothecary, shall be appointed for any prison, or imposes upon prison chaplains the duty of inspecting the bread or other provisions provided for prisoners, and of taking care that the 20 same are of good and wholesome quality, and of sufficient weight, shall be and the same is hereby repealed.

Saving as to
commissions.
28 & 29 Vict.
c. 126. s. 82.

58. Nothing in this Act contained relating to the custody of prisoners shall affect the validity of any commission of gaol delivery, commission of oyer and terminer, or other commission, precept, 25 writ, warrant, or other document, notwithstanding the same may be addressed to or make mention of the sheriff of any county, city, or place, instead of being addressed to or making mention of the governor of a prison or prisons ; and every such commission, precept, writ, warrant, or other document shall be obeyed by the governor 30 and take effect in the same manner as if the governor had been named therein instead of the sheriff.

Prisons (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law relating to Prisons
in Ireland.

(Prepared and brought in by
Sir Michael Hicks-Beach and Mr. Solicitor-
General for Ireland.)

*Ordered, by The House of Commons, to be Printed,
25 June 1877.*

[Bill 219.]

Under 4 oz.

Prisons (Scotland) Bill.

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Preliminary.

Clause.

1. Short title of Act.
 2. Commencement of Act.
 3. Application of Act.
-

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5. Prisons to vest in Secretary of State.

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65. Repeal of Acts.

SCHEDULE.

A

B I L L

TO

Amend the Law relating to Prisons in Scotland.

A.D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5

Preliminary.

1. This Act may be cited for all purposes as the Prisons (Scotland) Act, 1877. Short title of Act.

2. This Act shall, except as is herein-after otherwise provided, come into operation on the *first day of April one thousand eight hundred and seventy-eight*, which day is herein-after referred to as the commencement of this Act. Commencement of Act.

10 *hundred and seventy-eight*, which day is herein-after referred to as the commencement of this Act.

3. This Act shall not extend to England or Ireland, but shall apply in Scotland to all prisons as herein-after defined. Application of Act.

PART I.

15

TRANSFER AND ADMINISTRATION OF PRISONS.

Transfer of Prisons.

4. *On and after the commencement of this Act all expenses incurred in respect of the maintenance of prisons to which this Act applies, and of the prisoners therein, shall be defrayed out of moneys provided by Parliament.* Maintenance of prisons and prisoners out of public funds.

20 *provided by Parliament.*

5. Subject as in this Act mentioned—

(1.) The prisons to which this Act applies, and the furniture and effects belonging thereto ; also

Prisons to vest in Secretary of State.

25 (2.) The appointment of all officers, and the control and safe custody of the prisoners in the prisons to which this Act applies ; also all powers and jurisdiction vested in or exercisable by the Managers of the General Prison at Perth, or any prison authorities appointed in pur-

[Bill 4.]

A

A.D. 1877.

suance of the Prisons (Scotland) Administration Act, 1860, or any Act amending the same, in relation to prisons or prisoners within their jurisdiction, shall, on and after the commencement of this Act, be transferred to, vested in, and exercised by one of Her Majesty's Principal Secretaries of State, in this Act referred to as the Secretary of State. 5

Rules for Prisons.

Rules for
prisons to be
made by
Secretary of
State.

6. It shall be lawful for the Secretary of State at any time after the passing of this Act to make rules for the government of the prisons to which this Act applies, and the removal of prisoners within or to or from Scotland, and such rules which the Secretary of State may alter from time to time shall take effect on and after the commencement of this Act, and shall be of the same validity as if they had been enacted by this Act: Provided that all rules for prisons in Scotland which have before the commencement of this Act been certified under the hand of one of Her Majesty's Principal Secretaries of State in pursuance of the Prisons (Scotland) Administration Act, 1860, and have not been superseded by the provisions of this Act, or by rules made as aforesaid, shall continue to be rules for prisons in Scotland. 15 20

All rules when made by the Secretary of State shall be published in the Edinburgh Gazette, and a copy of all the rules for the time being in force shall be posted in some conspicuous place in every prison to which the same relate.

Wherever in any enactment reference is made to rules made under and in virtue of the powers conferred by the Prisons (Scotland) Administration Act, 1860, such reference shall be deemed and taken to be made to rules made under and in virtue of the powers conferred by this Act. 25

ADMINISTRATION OF PRISONS.

30

Prison Managers.

Appointment
of Prison
Managers.

7. For the purpose of aiding the Secretary of State in carrying into effect the provisions of this Act relating to prisons in Scotland, Her Majesty may at any time after the passing of this Act by warrant under her sign manual appoint any number of persons not exceeding *three* to be Managers during Her Majesty's pleasure, and may, on the occasion of any vacancy in the office of any Manager by death, resignation, or otherwise, by the like warrant appoint some other fit person to fill such vacancy. For the like purpose the Sheriff of the county of Perth and the Crown agent for Scotland for the time being shall be Managers *ex officio*. The Managers shall be a body corporate, with power to hold land so far 35 40

as may be necessary for the purposes of this Act, and shall be styled "The Prison Managers for Scotland." A.D. 1877.

The Secretary of State may from time to time appoint one of the Managers to be chairman.

5 *There may be paid out of moneys provided by Parliament to any two of the Prison Managers such salary for their services as the Secretary of State may, with the consent of the Treasury, determine.*

Any act or thing required or authorised to be done by the Prison Managers may be done by any one or more of them as the Secretary
10 of State may by general or special rule direct.

8. The Prison Managers shall be assisted in the performance of their duties by such number of inspectors, storekeepers, accountants, and other officers and servants as may, with the sanction of the Treasury as to number, be determined by the Secretary of State.

15 The inspectors shall be appointed by the Secretary of State, the other officers and servants of the Prison Managers by the Prison Managers themselves, subject to the approval of the Secretary of State.

There shall be paid out of moneys provided by Parliament to the
20 *inspectors and other officers and servants of the Prison Managers such salaries as the Secretary of State may, with the consent of the Treasury, determine.*

9. The general superintendence of prisons under this Act shall be vested in the Prison Managers, subject to the control of the
25 Secretary of State.

The Secretary of State shall appoint the governors, matrons, chaplains, and medical officers of prisons, such chaplains being ministers or licentiates of the Church of Scotland; and such medical officers being medical practitioners duly registered under the Medical Act,
30 and any Acts amending the same.

Subject as in this Act mentioned, the Prison Managers shall appoint all other officers in prisons (herein-after called subordinate officers), such appointments to be for general prison service. The Prison Managers shall also make contracts, and do all other acts
35 necessary for the maintenance of the prisons and prisoners within their jurisdiction.

The Prison Managers shall have such office accommodation as the Secretary of State may, with the consent of the Treasury, determine.

Subject to the consent of the Secretary of State, the Prison
40 Managers, by themselves or their officers, shall visit and inspect the prisons within their jurisdiction, and shall examine into the state of

Appointment
of inspectors,
officers, and
servants.

Duties of
Prison Ma-
nagers.

A.D. 1877. the buildings, so as to form a judgment as to the repairs, additions, or alterations which may appear necessary, regard being had to the arrangements requisite for the separation of prisoners and enforcement of hard labour, and shall further examine into the conduct of the respective officers and the treatment and conduct of the prisoners, 5 the means of setting them to work, the amount of their earnings, and the expenses attending the prison, and shall inquire into all abuses within the prison, and regulate all matters required to be regulated by them.

Subject to the consent of the Secretary of State, the Prison Managers, or any one or more of them, may, in addition to any powers otherwise conferred on them by this Act, exercise in relation to any prison under this Act, and the prisoners therein, all powers and jurisdiction by any Act of Parliament, or by any rules duly made in pursuance thereof, exercisable by the prison authority of 15 a prison. And any reports, acts, or things required to be made or done to or by or in relation to the prison authority of a prison by any Act of Parliament, or by any such rules, shall, except in so far as is otherwise provided by this Act, be made or done to or by or in relation to the Prison Managers, or any one or more of them, or to 20 or by or in relation to such persons as the Secretary of State may from time to time appoint.

The Prison Managers shall, in the exercise of their powers and jurisdiction under this Act, conform to any directions which may from time to time be given to them by the Secretary of State. 25

Power of
Prison
Managers
with respect
to requiring
attendance
of persons,
&c.

10. Any Prison Manager appointed under this Act may by summons under his hand require the attendance of all such persons as he shall think fit to call before him upon any matter connected with the execution of this Act, at such time and place as shall be set forth in such summons, and may make inquiry and require 30 returns, and may administer oaths, and examine all such persons on oath, and may require and enforce the production upon oath of any books, contracts, agreements, accounts, and other documents in any wise relating to any such matter.

Every person who, upon any examination under the authority of 35 this Act, shall wilfully give false evidence, or wilfully make a false declaration, shall be guilty of perjury; and every person who shall refuse or wilfully neglect to act in obedience to any summons of any prison manager, or to give evidence, or who shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, 40 agreements, accounts, or other documents which may be required to be produced for the purposes of this Act to any person autho-

rised by this Act to require the production thereof, shall be deemed guilty of a crime and offence. A.D. 1877

11. The Prison Managers shall, at such time or times as the Secretary of State may direct, make a report or reports to the Secretary of State of the condition of the prisons and prisoners within their jurisdiction, and an annual report with respect to every prison within their jurisdiction shall be laid before both Houses of Parliament. Report of
Prison Ma-
nagers.

Visiting Committee.

12. A visiting committee shall annually be appointed for every ordinary prison under this Act, consisting of such number of persons being commissioners of supply of counties, and magistrates of burghs, to be appointed in such manner, and to be chosen at such time as the Secretary of State, having regard to the locality of the prison, to the prison authority heretofore having jurisdiction over such prison, and to the class of prisoners to be confined in such prison, may from time to time by any general or special rule prescribe. Appointment
of visiting
committee of
prisons.

The commissioners of supply of any county shall appoint members of a visiting committee when assembled at such general or special meeting as may be prescribed by the Secretary of State.

The magistrates of a burgh shall hold a special meeting at such time as may be prescribed by the Secretary of State, for the purpose of appointing any members of a visiting committee they may be required to appoint.

13. The Secretary of State may from time to time make, and when made repeal, alter, or add to rules with respect to the duties of a visiting committee, and such committee shall conform to any rules so made, but subject as aforesaid, the members of such committee shall from time to time and at frequent intervals visit the prison for which they are appointed, and hear any complaints which may be made to them by the prisoners. They shall report on any abuses within the prison, and also, if they think it necessary so to do, on any repairs which may be urgently required in the prison, and shall further take cognizance of any matters of pressing necessity, and do such acts and perform such duties as are required to be done or performed by them under the rules made by the Secretary of State. Duties of
visiting com-
mittee.

The visiting committee may from time to time (subject to such rules as to rotation or otherwise as may be made by the Secretary of State) nominate to the Prison Managers persons fit to be appointed subordinate officers in the prison service, and such persons shall, in the event of their possessing such qualifications and fulfill-

A.D. 1877. ing such conditions as may from time to time be prescribed by the Secretary of State, be appointed to vacancies from time to time arising in the prison service.

The visiting committee shall report as soon as may be to the Secretary of State, and in such manner as he may direct, any matters with respect to which they may consider it expedient, or may be required by the Secretary of State to report.

Additional persons who are entitled to visit prisons.

14. The following persons shall be entitled to visit all the prisons in Scotland, namely, Her Majesty's Principal Secretaries of State, or any persons appointed by them or any of them, the lords lieutenant of counties in Scotland, the members of Her Majesty's Privy Council, the judges of the Court of Session, the Lord Advocate and Solicitor General of Scotland: the following persons shall also be entitled to visit the ordinary prisons within their respective counties and burghs, namely, sheriffs, conveners of commissioners of supply, justices of the peace, and magistrates of burghs; and any person visiting a prison which he is hereby empowered to visit, shall have access, if he desire it, to every prisoner confined therein, or otherwise to such prisoners as he may desire to see, and may report his observations on the discipline and management of such prison to the visiting committee thereof or to the Prison Managers, or to the Secretary of State: Provided that in any rules for prisons adopted under this Act provision may be made for authorising other persons to visit any prisons under such restrictions as the rules may contain; and that the Prison Managers may by an order in writing grant special permission to any person to visit the same.

PART II.

SUPPLEMENTAL PROVISIONS.

As to Obligation to maintain Prisons.

Termination of local obligation to maintain prisons.

15. On and after the commencement of this Act the obligation of any prison authority or any county or burgh to maintain a prison or to provide prison accommodation for its prisoners shall cease.

Compensation to be made in place of prison accommodation.

16. Where at the time of the passing of this Act any prison authority has no prison of its own, or has not a prison or prisons of its own adequate to the accommodation of the prisoners belonging to such authority, it shall pay into the receipt of the Exchequer *one hundred and twenty* pounds in respect of each prisoner belonging to such prison authority for whom cell accommodation has not at such time as last aforesaid been provided by such authority in a prison of its own.

A.D. 1877.

Any sum payable by a prison authority in pursuance of this section shall be deemed to be a debt due from the prison authority to the Crown, and may be recovered accordingly from the county and burgh or burghs at the passing of this Act within the jurisdiction thereof, subject to the allocation herein-after provided.

Where one prison authority has contributed a sum of money towards the construction by some other prison authority of cell accommodation for the use of the prisoners of the contributing authority, and such cell accommodation has been constructed accordingly, then in assessing the sum payable into the Exchequer by the contributing authority under this section, the contribution so made shall be taken into consideration, and a proportionate deduction be made accordingly.

Any sum payable by a prison authority in pursuance of this section shall be allocated upon and recovered from the county and burgh or burghs at the passing of this Act within the jurisdiction of such prison authority in such proportions as shall be determined by the Secretary of State, having regard to the valuations of such county and burgh or burghs respectively. Any sum so allocated upon a county shall be a charge upon the county general assessment thereof, and any sum so allocated upon a burgh shall be a charge upon such municipal or police assessment or upon the yearly proceeds of the common good and revenues of the burgh as the magistrates may determine.

For the purposes of this section the commissioners of supply of a county, and the magistrates of a burgh, may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per centum as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding *thirty-five years*.

17. Where before the *first day of June one thousand eight hundred and seventy-seven*, any prison authority having more than sufficient cell accommodation for the number of prisoners belonging to such prison authority, and which prison authority is in this section called the receiving authority, has contracted with any other prison authority, in this section called the sending authority, that the receiving authority is to receive into its prisons any prisoners belonging to such sending authority, and such receiving authority has in the performance of such contract provided cell accommodation for the prisoners of the sending authority, there shall be paid to the receiving authority, *out of moneys provided by Parliament*,

Compensation to be made to prison authority in respect of accommodation provided for prisoners of some other authority.

A.D. 1877. — any loss it may have so sustained in relation to such contract for cell accommodation by reason of the passing of this Act, so that the expense of providing cell accommodation for any one prisoner shall not in any case be held to have exceeded the sum of *one hundred and twenty pounds*. 5

For the purposes of this section any public department of state which has made contracts with respect to prisoners shall be included under the term "prison authority."

Where it appears that any contract under this section is intended to be renewed at the expiration of its subsisting term, the intention 10 of renewal shall be taken into consideration in estimating the loss sustained by the receiving authority.

Where at the date of the passing of this Act a prison authority has contracted to construct a building to be used as a prison, but such building has not at the commencement of this Act been com- 15 pleted or become a prison within the meaning of this Act, the Secretary of State may, if he thinks fit so to allow, allow the prison authority time to complete such building as a prison, and when so completed it shall pass over to and vest in the Secretary of State as a prison completed at the commencement of this Act; but if the 20 Secretary of State does not think fit to allow time for the completion of such prison as aforesaid, he shall, nevertheless, in assessing the amount of compensation payable in respect of cell accommodation, make, with the consent of the Treasury, from the compensation payable as aforesaid, such deduction as, having regard to all 25 the circumstances of the case, he may think fit, or may, in the event of disagreement between himself and the prison authority, be determined by arbitration.

As to Contracts and Debts.

General saving of rights of creditors.

18. Nothing in this Act contained shall (save as in this Act 30 mentioned with respect to contracts and obligations between prison authorities) affect any right or claim of any creditor of a prison authority under any contract legally made or in respect of any dealing legally had before the commencement of this Act, and between such creditor and the prison authority of which he is a 35 creditor such contract may be enforced in the same manner in all respects as if this Act had not passed.

Determination of contracts between prison authorities.

19. Any contract made or obligation undertaken by any prison authority with any other prison authority for or in relation to the maintenance of any prison or prisoners, or any matter relating to 40 such maintenance, shall be deemed to be determined on and after the commencement of this Act, without prejudice nevertheless to any moneys which may have accrued due under or in respect of

such contract or obligation at or before the commencement of this Act. A.D. 1877.

20. There shall be defrayed by a prison authority in the same manner as if this Act had not passed :

Existing
debts to be
defrayed by
prison author-
ities.

- 5 (1.) All debts due and sums of money payable in respect of contracts performed, dealings completed, or any matter or thing done before the commencement of this Act; and,
 (2.) All debts on account kept with any bank or any person
 10 (together with interest from time to time accruing thereon) due at the commencement of this Act in respect of any prison.

A debt in this section shall include any moneys borrowed or contracted to be borrowed by or advanced to a prison authority on the security or credit of any assessment applicable to the payment of
 15 the expenses of a prison.

21. Where any contract or dealing, in which any prison authority is concerned, is a continuous contract or dealing to be performed partly before and partly after the commencement of this Act, and is not a contract or dealing which is declared by this Act to have
 20 determined, or a debt of the nature referred to in the preceding section, such contract or dealing shall be deemed to be divisible, and as to so much thereof as is performable before the commencement of this Act, shall create a debt or obligation to be discharged or performed by the prison authority concerned therein, and *as to so*
 25 *much thereof as is performable after the commencement of this Act, shall create a debt or obligation to be discharged or performed out of moneys provided by Parliament.*

Provision as
to continuing
contracts.

For the purpose of enforcing the obligations laid upon or reserved against prison authorities in this and the three preceding sections,
 30 "prison authority" shall mean the commissioners of supply of the county at the passing of this Act within the jurisdiction of the prison authority; and all such obligations shall be a charge against the county general assessment of such county, but with a right of relief against the burgh or burghs at the passing of this Act within
 35 the said jurisdiction, and the magistrates and municipal or police or other assessments thereof, in the proportion of the valuation of such burgh or burghs respectively to the valuation of such county.

As to Assets.

22. Where there is any balance due to any prison authority,
 40 either in respect of building assessments or assessments for current expenses, such balance shall be payable to the commissioners of supply of the county at the passing of this Act within the

Provision as
to assets.

A.D. 1877. jurisdiction of such prison authority; but the said commissioners shall be bound to pay to the magistrates of the burgh or burghs at the passing of this Act within the said jurisdiction a portion or portions thereof in the proportion of the valuation of such burgh or burghs respectively to the valuation of such county. The sums 5 ultimately payable to such commissioners and magistrates respectively shall be placed to the credit of the county general assessment of the county, or municipal, or police, or other assessments of the burgh or burghs as the case may be: Provided that if any sums are due by such commissioners or magistrates respectively to the Crown 10 under this Act, the sums in this section first mentioned shall not be paid or divided until the sums due to the Crown have first been satisfied.

As to Classification and Commitment of Prisoners.

Confinement
of prisoners
before and
during trial.

23. The Secretary of State may from time to time by any general 15 or special rule appoint in any county or burgh a convenient prison or prisons in which prisoners are to be confined before and during trial, or at either of such times, and any prisoner who might if this Act had not passed, have been lawfully confined in a prison situate within the area of such county or burgh may be lawfully 20 confined in any prison or prisons so appointed: Moreover, the Secretary of State may by any general or special rule from time to time appoint any convenient prison or prisons in any adjoining or adjacent county or burgh to which prisoners may be committed for trial, safe custody, punishment, or otherwise, and any prisoners may be 25 committed to such prison accordingly.

Confinement
of prisoners
after con-
viction.

24. The Secretary of State may from time to time by any general or special rule appropriate either wholly or partially particular prisons within his jurisdiction to particular classes of convicted criminal prisoners, and may remove any convicted criminal prisoner 30 from any one prison to any other prison within his jurisdiction for the purpose of his undergoing the whole or any portion of his punishment in such prison; provided that a prisoner who is confined in a prison situate beyond the limits of the county or burgh in which he was convicted of his offence shall, at the time of his 35 discharge, be entitled to be taken back at the public expense to the county or burgh in which he was so convicted.

Confinement
of civil
prisoners.

25. The Secretary of State may from time to time by any general or special rule appoint in any county or burgh, or in any adjoining or adjacent county or burgh, a prison or prisons in which civil 40 prisoners are to be confined during the period of their imprisonment, and it shall be lawful to confine in any prison so appointed during

the period of his imprisonment any civil prisoner who might, if this Act had not passed, have been confined during such period in any prison situate within the area of the county or burgh. A.D. 1877.

26. In any county or burgh in which there are police cells or other premises in the possession of the police authority of such county or burgh, the Secretary of State may from time to time, by any general or special rule, declare that such cells or any number of them, or such other premises or any part of them, shall be a legal prison for the detention of prisoners before or during or after trial, for any period not exceeding *fourteen days*; and any person who might, if this Act had not passed, have been lawfully confined in a prison situate within the area of such county or burgh may be lawfully confined in such police cells or other premises for such period. Secretary of State may legalize police cells as places of detention for short periods.

15 The maintenance of prisoners confined in such police cells or other premises shall be deemed to be the maintenance of prisoners in terms of this Act, *and the expense incurred in respect thereof shall be defrayed out of moneys provided by Parliament*, subject to this proviso, that the police authority shall not be entitled to make any claim in respect of the use of the police cells or other premises, or of the personal services rendered by any of their officers in detaining or removing the prisoners therein confined.

For the purposes of this section the police authority of any county or burgh, and all persons in their employment, shall be subject to the provisions of this Act, and of any rules made in pursuance thereof.

“Police authority” shall mean the body having the charge or management of the police of a county or burgh under the provisions of any general or local Act of Parliament.

27. Subject to this Act, and any rules made in pursuance thereof, prisoners may be committed to the same prison to which they might have been committed if this Act had not passed. Saving as to commitment of prisoners.

The committal or imprisonment of a prisoner to or in a prison, if otherwise valid, shall not be illegal by reason only that such prisoner ought, according to the law for the time being in force, to have been committed to, or imprisoned in, some other prison, but any such prisoner as is mentioned in this section shall, on application made on his behalf in a summary manner to any judge of the Court of Justiciary, be entitled to be removed at the public expense to such other prison as aforesaid.

28. A prisoner shall be deemed to be in legal custody whenever he is being taken to, or whenever he is confined in, any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the walls of any such prison in the custody Legal custody of prisoner.

A.D. 1877. or under the control of a prison officer ; and any constable or other officer acting under the order of any sheriff, justice of the peace, or magistrate having power to commit a prisoner to prison may convey a prisoner to any prison to which he may be legally committed or removed, notwithstanding such prison may be beyond the jurisdiction of such constable or officer in the same manner and with the same incidents as if such prison were within such jurisdiction. 5

Removal of prisoners diseased or in danger of life to hospitals, &c.

29. When in reference to any person confined in a prison it is certified by two medical practitioners, duly registered as before mentioned, who have visited and carefully examined him, that 10 he is afflicted with any contagious or infectious disease which renders his removal necessary for the health of the other inmates of the prison, or that he is afflicted with any disease which threatens immediate danger to life and cannot be treated in prison, or that from his condition continued confinement would cause his death, 15 it shall be lawful for the sheriff on summary application at the instance of the visiting committee of the prison, or of the Prison Managers, or any one of them, accompanied by such certificate, to order the prisoner to be removed to an hospital or other fit place, under such precautions and conditions as to his return to prison as 20 to the sheriff may seem necessary and proper. A copy of such order shall be immediately transmitted to the Secretary of State.

Not to interfere with removal by Court of Law.

30. Nothing in this Act contained relating to the removal of prisoners shall affect the power possessed by any court of law to direct the removal of any prisoner to be carried out by any officer of 25 such court, or other officer of the law.

Crimes and Offences, and Offences in relation to Prisons.

Assisting prisoner to escape.

31. Every person who aids any prisoner in escaping or attempting to escape from any prison, or who, with intent to facilitate the escape of any prisoner, conveys or causes to be conveyed into any 30 prison any mask, dress, or other disguise, or any letter, or any other article or thing, shall be guilty of a crime and offence, and on conviction be sentenced to imprisonment with hard labour for a term not exceeding *two years*.

Punishment for carrying spirituous liquors or tobacco into prison.

32. Every person who, contrary to the regulations of the prison, 35 brings or attempts by any means whatever to introduce into any prison any spirituous or fermented liquor or tobacco, and every officer of a prison who suffers any spirituous or fermented liquor or tobacco to be sold or used therein, contrary to the prison regulations, shall be guilty of an offence, and on conviction before the 40 sheriff shall be sentenced to imprisonment for a term not exceeding *three months*, or to a penalty not exceeding *twenty pounds*, or both

in the discretion of the sheriff, and every officer of a prison convicted under this section shall, in addition to any other punishment, forfeit his office and all arrears of salary due to him. A.D. 1877.

5 **33.** Every person who, contrary to the regulations of a prison, conveys or attempts to convey any letter or other document, or any article whatever not allowed by such regulations, into or out of any prison, shall on conviction before the sheriff incur a penalty not exceeding *ten pounds*, and if an officer of the prison shall forfeit his office and all arrears of salary due to him, but this section shall not
10 apply in cases where the offender is liable to a more severe punishment under any other provision of this Act. Punishment for carrying letters into and out of prisons.

34. The Prison Managers shall cause to be affixed in a conspicuous place outside the prison a notice setting forth the penalties that will be incurred by persons committing any offence in contravention of the three preceding sections. Notice of penalties to be placed outside of prison. Recovery of penalties, &c.

35. The following provisions shall have effect in regard to the prosecution of offences and recovery and application of penalties :

(1.) Every offence under the provisions of this Act, or of any rules or regulations made in pursuance thereof, shall be
20 prosecuted, and every penalty thereunder recovered, at the instance of the procurator fiscal of the sheriff court under the provisions of the Summary Procedure Act, 1864 :

(2.) Every person found liable on conviction to pay any such penalty shall be liable, in default of payment within a time to be fixed in the conviction, to be imprisoned for
25 a term, to be also fixed therein, not exceeding *three months*, or until such penalty shall be sooner paid, and the conviction and warrant may be in the form of No. 3 of schedule K. of the Summary Procedure Act, 1864 :

(3.) All such penalties imposed shall be paid to the sheriff clerk, and shall by him be accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, and be carried to the Consolidated Fund.
30

Discharge of Prisoners.

35 **36.** Any prisoner confined in a prison whose term of imprisonment would, according to his sentence, expire on any Lord's day, shall be entitled to his discharge on the Saturday next preceding such Lord's day; and every governor of every prison having the custody of any such prisoner as aforesaid is hereby required and
40 authorised to discharge such prisoner on the Saturday next preceding any such Lord's day. When term of imprisonment expires on Sunday.

A.D. 1877.

Power to
Secretary of
State to
grant certi-
ficates to
Prisoners
Aid Socie-
ties, and to
revoke or
suspend the
same.

37. The Secretary of State, upon the application of any one or more member or members of any society formed for the purpose of finding employment for discharged prisoners, and enabling them by loans and grants of money to live by honest labour, and after examining the rules of such society, and receiving such evidence 5 as he thinks fit as to the condition of such society, may issue a certificate under his hand to the effect that such society is approved by him for the purposes of this Act, and he may subsequently at any time, upon due cause shown, by a writing under his hand, revoke or suspend such certificate, and any society in respect of 10 which such certificate as aforesaid has been granted and remains in force shall be deemed to be a "Certified Prisoners Aid Society," and to be entitled to such privileges as are herein-after mentioned.

Allowance
to discharge
prisoner.

38. Where any prisoner is discharged from prison, the Prison Managers may order a sum of money not exceeding *two pounds* to 15 be paid by the governor to the prisoner himself, or to the treasurer of a certified Prisoners Aid Society, on the governor receiving from such society an undertaking in writing, signed by the secretary thereof, to apply the same for the benefit of the prisoner.

Discharged
prisoner
provided
with means
of returning
to place of
settlement.

39. When a prisoner is discharged from prison the Prison 20 Managers may provide such prisoner, *out of any moneys voted by Parliament for the purpose*, with the means of returning to his home by causing his fare to be paid by railway, or in any other convenient manner.

As to Jurisdiction.

25

Jurisdiction
of sheriff and
other officers.

40. The Secretary of State may from time to time, if he think it expedient so to do, by any general or special rule direct that any prison not locally situate within the county or burgh is to be con- sidered to be the prison of such county or burgh, but subject to any such rule as in this section mentioned, and until the same be made 30 the transfer under this Act of the prisons to which this Act applies, and of the powers and jurisdiction of prison authorities, shall not affect the jurisdiction, save as provided by this Act, of any sheriff, magistrate, justice of the peace, or other officer having at the com- mencement of this Act jurisdiction in, over, or in respect of such 35 prison.

All powers, authorities, and jurisdictions necessary for giving effect to the provisions of this Act are hereby conferred upon all courts, judges, sheriffs, magistrates, justices of the peace, and officers thereof.

40

41. Nothing in this Act contained shall affect the jurisdiction or responsibility of the magistrates of burghs in respect of prisoners under sentence of death, and confined in any prison within their jurisdiction, or their jurisdiction or control over the prison where
 5 such prisoners are confined, and the officers thereof, so far as may be necessary for the purpose of carrying into effect the sentence of death, or for any purpose relating thereto; and in any prison in which sentence of death is required to be carried into effect on any prisoner, the magistrates shall, for the purposes of carrying that sentence into
 10 execution, be deemed to have the same jurisdiction with respect to such prison as they would by law have had with respect to the prison within their burgh if this Act had not passed.

A.D. 1877.
 Prisoners under sentence of death.

As to Discontinuance of Prisons.

42. The Secretary of State may from time to time discontinue any
 15 prison or prisons which are vested in him by this Act.

Power of Secretary of State to discontinue prisons.
 Effect of discontinuance of prison.

43. When a prison to which this Act applies is discontinued the Secretary of State may direct the same to be sold by public auction, and after paying the expenses of such sale, and also after making payment into the Exchequer, for the public use, of *one hundred and*
 20 *twenty pounds* in respect of each prisoner maintained by the prison authority to whom such prison originally belonged, for whom cell accommodation was provided in such discontinued prison at the time of the passing of this Act, he shall render the overplus (if any) to the commissioners of supply of the county and magistrates of the
 25 burgh or burghs at the passing of this Act within the jurisdiction of such prison authority in such proportions as he shall determine, having regard to the valuations of such county and burgh or burghs respectively.

The commissioners of supply of a county or magistrates of a
 30 burgh may purchase such discontinued prison, and if they do so they may sell or otherwise dispose of the same in such manner as they think fit; provided that any price obtained by them shall, in the first instance, be applied in extinguishing, or towards the extinction of, any sums borrowed in pursuance of this Act, and the overplus, if any,
 35 shall be applied as such commissioners or magistrates may think fit.

Any sum payable by commissioners of supply or magistrates of burghs in pursuance of this section shall be deemed to be a debt due from such commissioners or magistrates to the Crown, and may be recovered accordingly.

40 For the purposes of this section such commissioners or magistrates may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per centum as the

A.D. 1877. Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding *thirty-five* years.

For the purposes of this section the cell accommodation provided 5 by a prison authority in all its prisons may be calculated, and if it appears from such calculation that sufficient accommodation has been provided by such authority in other prisons belonging to such authority no sum shall be payable under this section by such prison authority in respect of the discontinued prison, and a pro- 10 portionate deduction shall be made in the sum payable under this section by a prison authority in the event of any partial accommodation in excess of the necessary accommodation having been provided in such other prisons belonging to that authority.

Status of Officers.

15

Position
and duties
of existing
officers of
General
Managers of
Prison at
Perth.

44. The clerks and other officers in the office in Edinburgh of the Managers of the General Prison at Perth at the time of the commencement of this Act, shall hold their offices by the same tenure, and upon like terms and conditions, and receive the same or equivalent salaries and emoluments as if this Act had not passed. 20 Such existing officers shall perform such duties as they may be required to perform by the Secretary of State, so that such duties are the same or analogous to those they performed previously to the commencement of this Act; and, subject as aforesaid, they shall perform the same duties as nearly as may be as they are performing 25 at the commencement of this Act. In estimating at any time after the commencement of this Act the period of service of any such officer for the purpose of superannuation in terms of the Superannuation Act, 1859, such officer shall be entitled to take into account the number of years service passed by him under the 30 said Managers of the General Prison at Perth, along with the years service passed by him under this Act.

Position and
duties of
existing
officers of
prisons.

45. The officers attached to prisons at the time of the commencement of this Act (in this Act referred to as existing officers of a prison) shall hold their offices by the same tenure, and upon like 35 terms and conditions, and receive the same or equivalent salaries and emoluments, as if this Act had not passed.

Such existing officers as aforesaid may be distributed amongst the several prisons to which this Act applies in such manner as may be directed by the Secretary of State, and they shall perform 40 such duties as they may be required to perform by the said Secretary of State, so that such duties are the same or analogous

to those they performed previously to the commencement of this Act, and, subject as aforesaid, they shall perform the same duties as nearly as may be as they are performing at the time of the commencement of this Act. A.D. 1877.

5 An existing officer of a prison who is at the commencement of this Act in the receipt of military or naval half-pay, or who has at or before such commencement as aforesaid, commuted his pension in pursuance of the Pensions Commutation Act, 1871, or is in receipt of any pension payable out of public moneys, shall not be
10 subject to any deduction from his salary, or to be deprived of any portion of his half-pay or of his pension, by reason of his salary being thenceforward paid out of public moneys, or of his employment becoming a public employment or an employment of profit under Her Majesty within the meaning of the Acts of Parliament
15 providing for such deduction of salary or deprivation of half-pay, nor be disqualified from receiving such half-pay or pension by reason of his becoming by virtue of this Act a civil servant of Her Majesty.

46. If at any time within *one year* after the commencement of
20 this Act any ordinary prison to which this Act applies is discontinued, or any office in any ordinary prison to which this Act applies is abolished, or any officer is retired or removed with a view to the reduction of the prison establishment or otherwise, the commissioners of supply of the county, or the magistrates of the
25 burgh within which such prison is situated, may allow such compensation or allowance as they think fit to any existing officer of a prison who, by reason of such discontinuance or abolition, or retirement or removal, is deprived of any salary or emoluments, so that no such compensation or allowance exceeds the proportion of the
30 salary and emoluments, if any, which might be granted under similar circumstances to a person in the Civil Service under the Acts for regulating such compensations or allowances for the time being in force; and any compensation or allowance so allowed shall be paid out of the county general assessment or any municipal or
35 police or other assessment of the burgh, as the case may be; but this section shall not prejudice the right of any person to superannuation allowance under any other section of this Act.

47. If at any time after the commencement of this Act it appears to the Treasury that any existing officer of an ordinary
40 prison has complied with the requirements of section eighteen of the Prisons (Scotland) Administration Act, 1860, and there shall be a report of the Prison Managers testifying to his good conduct

Discontinu-
ance of
prisons and
abolition of
office within
a year.

Superannu-
ation of
officers and
abolition of
office after a
year.
23 & 24 Vict.
c. 105, s. 18.

A.D. 1877. — during his period of service under them, and recommending a grant to be made to him, the Treasury may grant to such officer, having regard to his length of prison service, an annuity, by way of superannuation allowance, not exceeding *two thirds* of his salary and emoluments, or a gratuity not exceeding the amount of his salary 5 and emoluments for one year.

If any office in any ordinary prison to which this Act applies is abolished, or any officer is retired or removed after the expiration of one year after the commencement of this Act, any existing officer of such prison who by reason of such abolition, retirement, 10 or removal is deprived of any salary or emoluments, shall be dealt with in manner provided by the Superannuation Act, 1859, with respect to a person retiring or removed from the public service in consequence of [the abolition of his office, or for the purpose of facilitating improvements in the organization of the department 15 to which he belongs.

“Prison service,” for the purposes of this section, means, as respects the period before the commencement of this Act, service in a particular ordinary prison transferred to the Secretary of State, and, as respects the period after the commencement of this Act, 20 service in any such prison or in any other prison transferred to the Secretary of State under this Act.

Any annuity by way of superannuation allowance or gratuity granted under this section shall be apportioned between the period of service before the commencement of this Act and the period of 25 service after the commencement of this Act; and so much of such annuity or allowance as is payable in respect of service before the commencement of this Act, regard being had to the amount of salary then paid, shall be paid, in such proportions as the Secretary of State shall determine by the commissioners of supply of the 30 county and the magistrates of the burgh or burghs at the commencement of this Act within the jurisdiction of the prison authority of the prison in which the officer to whom such annuity or allowance is granted was serving at the date of the commencement of this Act, out of the county general assessment or any municipal or police or 35 other assessment of the burgh, as the case may be, and *the residue shall be paid out of moneys provided by Parliament.*

As to Miscellaneous Matters.

Inspectors of prisons to be no longer appointed. 48. On and after the commencement of this Act, any duties required to be performed by an inspector of prisons in pursuance 40 of any Act of Parliament or otherwise may, subject to any directions

to be given by the Secretary of State, be performed by any Prison Manager or Inspector appointed under this Act. A.D. 1877.

The persons who at the commencement of this Act held the offices of Inspectors of Prisons shall become inspectors under this Act, in the same manner and liable to the performance of the same duties as if they had been appointed inspectors in pursuance of this Act, subject to the following qualifications : namely,

- (1.) Every such inspector shall hold his office by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive a salary of not less amount ; and
- (2.) Any duties they may be required to perform in pursuance of this Act shall be the same or analogous duties to those which they performed previously to the commencement of this Act.

The seventh section of the Act of the session of the fifth and sixth years of William the Fourth, chapter thirty-eight, shall be repealed from and after the commencement of this Act, in so far as respects Scotland.

49. The commissioners of supply of a county and the magistrates of a burgh may borrow any moneys authorised to be borrowed by them under this Act as one loan or as several loans, on the security of the county general assessment of the county, or the municipal, or police, or other assessment of the burgh, as the case may be. Power of authority to borrow on rate.

The period for the discharge of a loan under this Act shall be deemed to begin at the date of the first advance of money made on account of any such loan or loans.

50. The Public Works Loan Commissioners may advance to the commissioners of supply of a county, or the magistrates of a burgh, on the security of such assessments as aforesaid, and without any other or farther security, any moneys authorised to be borrowed by such commissioners of supply or magistrates for the purposes of this Act. Power of Public Works Loan Commissioners to lend.

51. The legal estate in every prison to which this Act applies, and in the site and land belonging thereto, and in the furniture and effects belonging to a prison, shall on and after the commencement of this Act be deemed to be vested in the Prison Managers and not in the Secretary of State, but shall from time to time be disposed of by such Managers in such mode as the Secretary of State, with the consent of the Treasury, may direct. Legal estate in prison.

52. Any rule made by a Secretary of State, in pursuance of this Act, shall be of the same force as if enacted by Parliament, and may

A.D. 1877. be proved in manner in which regulations made under the authority of one of Her Majesty's Principal Secretaries of State are capable of being proved in pursuance of the Documentary Evidence Act, 1868 ; and all enactments inconsistent with this Act, or any such rules made thereunder, are hereby repealed. 5

mode of
proving the
same.

Saving clause
as to pen-
sions.

53. Nothing in this Act contained shall entitle any existing officer of a prison to any superannuation or other allowance the conditions of whose office would not have entitled him to superannuation or other allowance under the Prisons (Scotland) Administration Act, 1860. 10

Power to
order male
juvenile of-
fenders to be
punished by
private
whipping.

54. In every case where it is competent for any judge or magistrate to award sentence of imprisonment, or of fine, with the alternative of imprisonment, it shall be lawful for said judge or magistrate in the case of any juvenile offender, being a male, whose age in the opinion of such judge or magistrate shall not exceed 15 fourteen years, to adjudge such offender, instead of imprisonment or of imprisonment and hard labour, or in addition to imprisonment or imprisonment and hard labour, to be punished by private whipping, in such manner and according to such regulations as have been or shall be made by the Lord Advocate of Scotland in that behalf, and 20 approved by one of Her Majesty's Principal Secretaries of State ; subject always to the provisions of the Act passed in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter eighteen.

Repeal of
section 50 of
20 & 21 Vict.
c. 71.

55. Section fifty of the Act passed in the twentieth and twenty- 25 first years of the reign of Her present Majesty, chapter seventy-one, is hereby repealed, and in lieu thereof it is enacted as follows :

The District Boards of Lunacy elected in terms of the repealed section shall continue in office until the election of district boards elected in terms hereof. 30

Constitution
of District
Boards of
Lunacy.

There shall be chosen for each of the districts into which Scot- land is or may hereafter be divided for the purposes and in terms of the last-recited Act and any Act amending the same, a board to be called the District Board of Lunacy, the number of the members whereof shall be fixed by the General Board of Lunacy in Scotland, 35 who shall also fix the number of the members of each district board to be elected by the commissioners of supply and magistrates of burghs respectively in each county within such district, and such number shall be proportioned, as nearly as may be, to the valuation of the property situated in each such county and burgh: The mem- 40 bers of such district board shall be elected annually by the commissioners of supply and magistrates of burghs at such time as shall be

determined by the said General Board of Lunacy; and any vacancy occurring by the death or resignation of any member shall be filled up by the same body by whom the member so vacating was elected.

A.D. 1877.

- Such district boards shall meet at such times and places as shall be
 5 fixed by the General Board of Lunacy from time to time, and shall have power to adjourn and also to appoint a chairman who, in case of an equality of votes, shall have a casting vote, and committees of their number, to whom may be delegated all or any part of the powers by the said recited Act committed to such district boards.
 10 Three shall be a quorum of a district board.

- 56.** Where assessments under any Act of Parliament may be imposed, levied, and recovered in the same way and manner as the assessments imposed and levied under the Prisons (Scotland) Administration Act, 1860, such assessments may be imposed, levied,
 15 and recovered in the same way and manner as any other assessment which may be leviable by the commissioners of supply within any county or the magistrates within any burgh upon the lands and heritages within the same, as appearing on the valuation roll thereof; provided that in a county such assessment shall be payable
 20 wholly by the owner of lands and heritages within the county, and that in a burgh such assessment shall be payable one half by the owner and one half by the tenant or occupier of the lands or heritages within the burgh: Provided also, that it shall be lawful for such commissioners of supply to exempt from such assessment
 25 in any county any lands and heritages the annual value of which, as appearing from the valuation roll, shall not exceed *two* pounds sterling, on account of the poverty of the owner thereof; and that it shall be lawful for such magistrates to exempt from the whole or any part of such assessment in any burgh the tenant or occupier of
 30 any lands and heritages the annual value of which, as appearing from the valuation roll, shall not exceed *five* pounds sterling, on account of the poverty of such occupier.

Provision for levying certain assessments heretofore levied along with the prison assessment.

- Nothing herein contained shall prejudice the power of levying any assessments in any other way or manner not affected by the
 35 repeal of the Prisons (Scotland) Administration Act, 1860.

- 57.** For enabling the Prison Managers to purchase, take, and acquire lands for the purposes of this Act, "The Lands Clauses Consolidation (Scotland) Act, 1845," excepting section one hundred and sixteen thereof, and any Act amending the said Act, shall
 40 be incorporated with and form part of this Act: Provided that the clauses of the said Lands Clauses Consolidation Acts, with respect to the purchase and taking of lands otherwise than by agreement,

8 & 9 Vict. c. 19. incorporated with this Act for acquisition of lands.

A.D. 1877.

shall not be incorporated herewith, except for the purpose of acquiring lands adjoining or adjacent to a prison for the purpose of enlarging, improving, or isolating such prison; and the expression "the special Act" in the said Lands Clauses Consolidation Acts shall mean this Act, and the expression "the promoters of the undertaking" in the said Act shall mean and include the said Prison Managers.

Returns of
warrants of
imprison-
ment and
sentences.

58. The clerk of every court, judge, sheriff, magistrate, justice of the peace or other judicial officer, by whom any warrant for imprisonment or any sentence of imprisonment or penal servitude is pronounced, shall make a return thereof to the Prison Managers at such time and in such form and under such penalty as the Secretary of State may determine.

Judicial Statistics.

Prison
Managers
to discharge
duties of
department
of Judicial
Statistics.

59. The Prison Managers shall be the department of judicial statistics under the Judicial Statistics (Scotland) Act, 1869, and shall discharge the duties of the said department, and all returns shall be made to them accordingly. The Secretary of State shall from time to time appoint a superintendent of the said department at such salary as shall be determined with the sanction of the Treasury, and such superintendent may, with the consent of the Treasury, fill any other office under the said Prison Managers.

Reformatories and Industrial Schools.

Commission-
ers of supply
of counties
or magis-
trates of
burghs may
contribute
to reforma-
tories or
industrial
schools.

60. The commissioners of supply of any county or the magistrates of any burgh may resolve to contribute to any reformatory or industrial school in any part of Scotland which has been certified by one of Her Majesty's Principal Secretaries of State, in terms of an Act passed in the seventeenth and eighteenth years of Her present Majesty, intituled "An Act for the better care and reformation of youthful offenders in Great Britain," or the Industrial Schools Act, 1866, or any Act amending the same, and on such resolution, stating the name of the reformatory or industrial school to which they propose to contribute, being transmitted to the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, he shall intimate whether he approves or disapproves of such resolution; and if he intimate that he approves thereof, such commissioners or magistrates may from time to time pay over such sum as they may think fit to the directors and managers of such reformatory or industrial school, and such sum shall be a charge on the county general assessment or on any municipal or police or other assessment of any burgh,

as the case may be : Provided, that if at any time such Secretary of State shall notify his withdrawal of such his approval, it shall no longer be lawful for the commissioners or magistrates to contribute to such reformatory or industrial school.

A.D. 1877.

5

Arrangement and Arbitration.

61. The Secretary of State on the one hand (with the assent of the Treasury so far as any public moneys are concerned) and a prison authority on the other, may, with a view to carry into effect the purposes of this Act, compromise any matter, or settle any difference, or refer to a single arbiter any matter or difference.

Power of Secretary of State and prison authority to compromise and refer to arbitration.

Definitions.

62. The expression "furniture and effects belonging to a prison" includes all furniture, beds, bedding, clothes, linen, implements, machinery and stores, also all books, papers, registers and documents whatsoever relating to such prison or to the prisoners therein, whether or not of the same kind as those previously described, belonging at the commencement of this Act to the prison authority of any prison for the purposes of such prison.

Definition of "furniture and effects belonging to a prison."

63. A "prisoner" for the purposes of this Act means any person committed to prison for trial, safe custody, punishment, or otherwise ; and "the maintenance of a prisoner" includes all such necessary expenses incurred in respect of a prisoner for food, clothing, custody, safe conduct, and removal from one place of confinement to another, or otherwise, from the period of his committal to prison until his death or discharge from prison, as would if this Act had not passed have been payable by the managers appointed under the Prison (Scotland) Administration Act, 1860, or by a prison authority, with this proviso, that nothing in this Act shall exempt a prisoner from payment of any costs or expenses in respect of his conveyance to prison or otherwise which he would have been liable to pay if this Act had not passed.

Definition of "prisoner" and "maintenance of prisoner."

- Nothing herein contained shall alter the law with respect to the aliment of civil prisoners ; or with respect to the powers and jurisdiction at present possessed by the sheriff of a county or the magistrates of a burgh with respect to applications and proceedings for aliment, and for liberation of civil prisoners.

- For the purposes of this Act, the number of prisoners belonging to a prison authority shall, as nearly as can be ascertained, be deemed to be the average daily number of prisoners maintained at the expense of such authority, whether in its own prison or in a prison belonging to some other prison authority during the five years

A.D. 1877. immediately preceding the first day of January *one thousand eight hundred and seventy-seven.*

“Cell accommodation for a prisoner” means a cell for the separate confinement of such prisoner certified in pursuance of this Act by the Secretary of State as in respect of its cubical contents and 5 other particulars proper for the detention of prisoners. For the purpose of such certificate a cell may be deemed to be of sufficient cubical contents if it contains seven hundred cubic feet or upwards.

Definitions.

64. In the construction of this Act, unless there is something 10 inconsistent in the context,—

“County” shall not include a county of a city :

For the purposes of this Act, Orkney and Zetland shall be taken to be separate counties :

For the purposes of this Act the northern prison district and the southern prison district of the county of Lanark, as 15 defined by the “Prisons (Scotland) Administration Acts (Lanarkshire) Amendment Act, 1868,” shall be taken to be separate counties ; and the duties, rights, and obligations arising under this Act shall, in the said districts, exist and be discharged, as nearly as may be, in conformity with the 20 provisions of the last mentioned Act ; and if any question shall arise in regard thereto, it shall be determined by the Secretary of State ; and any order under his hand shall have the same effect as if it were contained in this Act : Provided always, that after the commencement of this Act 25 no district prison board shall be elected for either prison district of the said county :

“Burgh” shall include and apply to the cities, burghs, and towns which are royal burghs, or which send or contribute as burghs to send a member to Parliament : 30

For the purposes of this Act the boundaries of a burgh shall be the boundaries thereof for police purposes, as the same have been, or may be, determined under the provisions of any general or local Act of Parliament :

“Magistrates” shall include the magistrates and town councils 35 of burghs :

“Sheriff” shall include sheriff substitute :

“Prison authority” shall mean a county prison board appointed in terms of the Prisons (Scotland) Administration Act, 1860 :

“Prisons” shall include all legal prisons in Scotland, and in 40 respect to those existing at the commencement of this Act, whether the same have been administered by the Managers

appointed in terms of the Prisons (Scotland) Administration Act, 1860, or by county prison boards appointed under that Act, but shall not include military prisons, or, except in so far as expressly provided, police cells or other places of detention :

5 “ Ordinary prisons ” shall include all legal prisons under this Act other than the general prison at Perth or any prison which may be hereafter declared by Her Majesty in Council to be a general prison :

10 “ Civil prisoner ” shall include all persons imprisoned for civil debts due to subjects ; prisoners for debts or taxes due to the Crown, not being fines or penalties inflicted on conviction of offences ; prisoners on meditatione fugæ warrants granted at the instance of creditors for performance of civil obligations ; prisoners ad factum præstandum ; prisoners under the Em-
15 ployers and Workmen Act, 1875 ; and prisoners until they find caution under writs of lawburrows :

“ Criminal prisoner ” shall include all prisoners who are not civil prisoners :

20 “ Valuation ” shall mean the total annual value of the lands and heritages within a county or burgh as appearing from the valuation roll thereof for the time being in force :

“ Governor ” shall mean the chief male officer of a prison :

“ Matron ” shall mean the chief female officer of a prison.

Repeal of Acts.

25 **65.** The Acts specified in the schedule to this Act are hereby repealed, from and after the commencement of this Act, to the extent specified in the third column of the schedule. Repeal of
Acts.

Provided that the repeal enacted by this section shall not affect—

30 (1.) Anything done or suffered, or any right, obligation, or liability acquired or incurred under any enactment hereby repealed ; or

(2.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby
35 repealed ; or

(3.) Any investigation, legal proceeding, or remedy in respect of any such right, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding, and remedy may be carried on as if this
40 Act had not passed.

A.D. 1877.

SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.	
23 & 24 Vict. c. 105.	The Prisons (Scotland) Administration Act, 1860.	The whole Act.	5
26 & 27 Vict. c. 109.	An Act for remedying certain defects in the law relating to the removal of prisoners in Scotland.	The whole Act.	
27 & 28 Vict. c. 53. -	The Summary Procedure Act, 1864 -	Sections thirty-six and thirty-seven.	10
28 & 29 Vict. c. 84. -	An Act to amend the Prisons (Scotland) Administration Act, 1860, and to explain the fifty-second and seventy-seventh sections of the said Act.	The whole Act.	
31 & 32 Vict. c. 95. -	An Act to amend the procedure in the Court of Justiciary and other criminal courts in Scotland.	Section thirteen.	15
32 & 33 Vict. c. 35. -	The Prisons (Scotland) Amendment Act, 1869.	The whole Act.	20

Prisons (Scotland).

A

BILL

To amend the Law relating to Prisons in Scotland.

(Prepared and brought in by
The Lord Advocate and Mr. Secretary Cross.)

Ordered, by The House of Commons, to be printed,
9 February 1877.

[Bill 4.]

Under A. oz.

Prisons (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title of Act.
 2. Commencement of Act.
 3. Application of Act.
-

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Transfer of Prisons.

4. Maintenance of prisons and prisoners out of public funds.
5. Prisons to vest in Secretary of State.
6. General rules for prisons made by Secretary of State.

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7. Appointment of Prison Commissioners.
8. Appointment of inspectors, officers, and servants.
9. Salaries.
10. Duties of Prison Commissioners.
11. Reports by Prison Commissioners.
12. Report to contain information as to manufacturing processes in prison.
13. Return of punishments to be made yearly.

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14. Appointment of visiting committee of prisons.
 15. Duties of visiting committee.
 16. Visit to prison by any sheriff or justice.
-

[Bill 124.]

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Clause.

17. Termination of local obligation to maintain prisons.
18. Compensation to be made in place of prison accommodation.
19. Compensation to be made to prison authority in respect of accommodation provided for prisoners of some other authority.
20. Allowance to be made to prison authority in respect of un-completed prison.

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21. General saving of rights of creditors.
22. Determination of contracts between prison authorities.
23. Existing debts to be defrayed by prison authorities.
24. Provision as to continuing contracts.

As to Assets.

25. Provision as to assets.

As to Classification and Commitment of Prisoners.

26. Confinement of prisoners before and during trial.
27. Confinement of prisoners after conviction.
28. Confinement of debtors and other civil prisoners.
29. Secretary of State may legalize police cells as places of detention for short periods.
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32. When term of imprisonment expires on Sunday.
33. Power to Secretary of State to grant certificates to Prisoners Aid Societies, and to revoke or suspend the same.
34. Allowance to discharged prisoner.
35. Discharged prisoner provided with means of returning to place of settlement.

As to Jurisdiction.

36. Jurisdiction of sheriff and other officers.
37. Prisoners under sentence of death.

As to Discontinuance of Prisons.

Clause.

- 38. Power of Secretary of State to discontinue prisons.
- 39. Effect of discontinuance of prison.

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- 40. Position and duties of existing officers of General Managers of Prison at Perth.
- 41. Position and duties of existing officers of prisons.
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- 44. Special rules as to treatment of unconvicted prisoners and certain other prisoners.
- 45. Treatment of prisoners convicted of sedition, &c.
- 46. Treatment of persons committed for contempt of court.
- 47. Test of malingering to be made only with authority of visiting committee.
- 48. Limitation of time of confinement.
- 49. Transfer of duties of existing inspectors of prisons.
- 50. Power of authority to borrow on rate.
- 51. Power of Public Works Loan Commissioners to lend.
- 52. Legal estate in prison.
- 53. Rules of Secretary of State and repeal of inconsistent enactments.
- 54. Saving clause as to pensions.
- 55. Repeal of s. 50 of 20 & 21 Vict. c. 71. Constitution of District Boards of Lunacy.
- 56. Provision for expense of Lunacy District Board where there is no district asylum.
- 57. Provision for levying certain assessments heretofore levied along with the prison assessment.
- 58. 8 & 9 Vict. c. 19. incorporated with this Act for acquisition of lands.
- 59. Returns of warrants of imprisonment and sentences.

Judicial Statistics.

- 60. Prison Commissioners to discharge duties of department of Judicial Statistics.

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Clause.

61. Commissioners of supply of counties or magistrates of burghs may contribute to reformatories or industrial schools.

Arrangement and Arbitration.

62. Power of Secretary of State and prison authority to compromise and refer to arbitration.

Definitions.

63. Definition of "furniture and effects belonging to a prison."
64. Definition of "prisoner" and "maintenance of prisoner."
65. Definitions.

Repeal of Acts.

66. Repeal of Acts.

SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to Prisons in Scotland.

A.D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Preliminary.*

1. This Act may be cited for all purposes as the Prisons (Scotland) Act, 1877. Short title of Act.

2. This Act shall, except as is herein-after otherwise provided, and except in so far as relates to the making of rules by the Secretary of State, in pursuance of any power transferred to or vested in the Secretary of State by this Act, which rules may be made at any time after the passing of this Act, come into operation on the *first day of April one thousand eight hundred and seventy-eight*, which day is herein-after referred to as the commencement of this Act. Commencement of Act.

3. This Act shall not extend to England or Ireland, but shall apply in Scotland to all prisons as herein-after defined. Application of Act.

PART I.

TRANSFER AND ADMINISTRATION OF PRISONS.

20 *Transfer of Prisons.*

4. *On and after the commencement of this Act all expenses incurred in respect of the maintenance of prisons to which this Act applies, and of the prisoners therein, shall be defrayed out of moneys provided by Parliament.* Maintenance of prisons and prisoners out of public funds.

25 5. Subject as in this Act mentioned—

(1.) The prisons to which this Act applies, and the furniture and effects belonging thereto ; also

[Bill 124.]

A

Prisons to vest in Secretary of State.

A.D. 1877.

(2.) The appointment of all officers, and the control and safe custody of the prisoners in the prisons to which this Act applies; also all powers and jurisdiction vested in or exerciseable by the Managers of the General Prison at Perth, or any prison authorities appointed in pursuance of the Prisons (Scotland) Administration Act, 1860, or any Act amending the same, in relation to prisons or prisoners within their jurisdiction, shall, on and after the commencement of this Act, be transferred to, vested in, and exercised by one of Her Majesty's Principal Secretaries of State, in this Act referred to as the Secretary of State. 10

General
rules for
prisons made
by Secretary
of State.

6. All rules for prisons in Scotland which have before the commencement of this Act been certified under the hand of one of Her Majesty's Principal Secretaries of State in pursuance of the Prisons (Scotland) Administration Act, 1860, and have not been superseded by the provisions of this Act, or by rules made as herein-after provided, shall continue to be rules for prisons in Scotland: Provided that it shall be lawful for the Secretary of State at any time after the passing of this Act to repeal, alter, or add to such rules, and such repeal, alteration, or addition shall be by writing under the hand of the Secretary of State, which shall be subject to the provisions herein contained as to rules or regulations made by the Secretary of State. 20

A copy of all the rules for the time being in force shall be posted in some conspicuous place in every prison to which the same relate. 25

Wherever in any enactment reference is made to rules made under and in virtue of the powers conferred by the Prisons (Scotland) Administration Act, 1860, such reference shall be deemed and taken to be made to rules made or continued or altered under and in virtue of the powers conferred by this Act. 30

ADMINISTRATION OF PRISONS.

Prison Commissioners.

Appointment
of Prison
Commissioners.

7. For the purpose of aiding the Secretary of State in carrying into effect the provisions of this Act relating to prisons in Scotland, Her Majesty may, on the recommendation of the Secretary of State, at any time after the passing of this Act by warrant under her sign manual appoint any number of persons not exceeding *three* to be Commissioners during Her Majesty's pleasure, and may, on the recommendation of the Secretary of State, on the occasion of any vacancy in the office of any Commissioner by death, resignation, or otherwise, 35 40

by the like warrant appoint some other fit person to fill such vacancy. A.D. 1877.

For the like purpose the Sheriff of the county of Perth and the Crown agent for Scotland for the time being shall be Commissioners ex officio. The Commissioners shall be a body corporate, with power
5 to hold land so far as may be necessary for the purposes of this Act, and shall be styled "The Prison Commissioners for Scotland."

The Secretary of State may from time to time appoint one of the Commissioners to be chairman.

Any act or thing required or authorised to be done by the Prison
10 Commissioners may be done by any one or more of them as the Secretary of State may by general or special rule direct.

8. The Prison Commissioners shall be assisted in the performance of their duties by such number of inspectors, storekeepers, accountants, and other officers and servants as may, with the sanction of the
15 Treasury as to number, be determined by the Secretary of State. The inspectors shall be appointed by the Secretary of State, the other officers and servants of the Prison Commissioners by the Prison Commissioners themselves, subject to the approval of the Secretary of State.

20 9. *There may be paid, out of moneys provided by Parliament, to any two of the Prison Commissioners such salary for their services as the Secretary of State may, with the consent of the Treasury, determine.* Salaries.

*There shall be paid, out of moneys provided by Parliament, to
25 the inspectors and other officers and servants of the Prison Commissioners such salaries as the Secretary of State may, with the consent of the Treasury, determine.*

10. The general superintendence of prisons under this Act shall be vested in the Prison Commissioners, subject to the control of
30 the Secretary of State. Duties of Prison Commissioners.

The Secretary of State shall appoint the governors, matrons, chaplains, and medical officers of prisons, such chaplains being ministers or licentiates of the Church of Scotland; and such medical officers being medical practitioners duly registered under the Medical Act,
35 and any Acts amending the same.

Subject as in this Act mentioned, the Prison Commissioners shall appoint all other officers in prisons (herein-after called subordinate officers), such appointments to be for general prison service. The Prison Commissioners shall also make contracts, and
40 do all other acts necessary for the maintenance of the prisons and prisoners within their jurisdiction.

A.D. 1877. The Prison Commissioners shall have such office accommodation as the Secretary of State may, with the consent of the Treasury, determine.

Subject to the control of the Secretary of State, the Prison Commissioners, by themselves or their officers, shall visit and inspect the prisons within their jurisdiction, and shall examine into the state of the buildings, so as to form a judgment as to the repairs, additions, or alterations which may appear necessary, regard being had to the arrangements requisite for the separation of prisoners and enforcement of hard labour, and shall further examine into the conduct of the respective officers and the treatment and conduct of the prisoners, the means of setting them to work, the amount of their earnings, and the expenses attending the prison, and shall inquire into all abuses within the prison, and regulate all matters required to be regulated by them.

Subject to the control of the Secretary of State, the Prison Commissioners, or any one or more of them, may, in addition to any powers otherwise conferred on them by this Act, exercise in relation to any prison under this Act, and the prisoners therein, all powers and jurisdiction by any Act of Parliament, or by any rules duly made in pursuance thereof, exerciseable by the prison authority of a prison. And any reports, acts, or things required to be made or done to or by or in relation to the prison authority of a prison by any Act of Parliament, or by any such rules, shall, except in so far as is otherwise provided by this Act, be made or done to or by or in relation to the Prison Commissioners, or any one or more of them, or to or by or in relation to such persons or person as the Secretary of State may from time to time appoint.

The Prison Commissioners shall, in the exercise of their powers and jurisdiction under this Act, conform to any directions which may from time to time be given to them by the Secretary of State.

Reports by
Prison Com-
missioners.

11. The Prison Commissioners shall, at such time or times as the Secretary of State may direct, make a report or reports to the Secretary of State of the condition of the prisons and prisoners within their jurisdiction, and an annual report to be made by them with respect to every prison within their jurisdiction shall be laid before both Houses of Parliament.

Report to
contain in-
formation as
to manufac-
turing pro-
cesses in
prison.

12. Whereas it is expedient that the expense of maintaining in prison prisoners who have been convicted of crime should in part be defrayed by their labour during the period of their imprisonment, and that, with a view to defraying such expenses, and also of teaching prisoners modes of gaining honest liveli-

hoods, means should be taken for promoting in prison the exercise of and instruction in useful trades and manufactures, so far as may be consistent with a due regard on the one hand to the maintenance of the penal character of prison discipline, and on

A.D. 1877.

- 5 the other to the avoidance of undue pressure on or competition with any particular trade or industry: Be it enacted, that the annual report of the Prison Commissioners required by this Act to be laid before both Houses of Parliament shall state the various manufacturing processes carried on in each of the prisons
- 10 within their jurisdiction, and such statement shall contain such particulars as to the kind and quantities of, and as to the commercial value of the labour on the manufactures, as to the number of prisoners employed, and otherwise, as may, in the opinion of the Secretary of State, be best calculated to afford information to
- 15 Parliament.

13. The Prison Commissioners shall make a yearly return to Parliament of all punishments of any kind whatsoever which may have been inflicted within each prison, and the offences for which such punishments were inflicted.

Return of punishments to be made yearly.

20

Visiting Committee.

- 14.** A visiting committee shall annually be appointed for every ordinary prison under this Act, consisting of such number of persons being commissioners of supply of counties, and magistrates of burghs, to be appointed in such manner, and to be chosen at such
- 25 time as the Secretary of State, having regard to the locality of the prison, to the prison authority heretofore having jurisdiction over such prison, and to the class of prisoners to be confined in such prison, may from time to time by any general or special rule prescribe.

Appointment of visiting committee of prisons.

- 30 The commissioners of supply of any county shall appoint members of a visiting committee when assembled at such general or special meeting as may be prescribed by the Secretary of State.

- The magistrates of a burgh shall hold a special meeting at such time as may be prescribed by the Secretary of State, for the purpose
- 35 of appointing any members of a visiting committee they may be required to appoint.

- Nothing in this Act, or in any rules to be made under this Act, shall restrict any member of the visiting committee for any prison from visiting the prison at any time, and any such member shall at
- 40 all times have free access to every part of the prison, and to every prisoner therein.

A.D. 1877.

Duties of
visiting com-
mittee.

15. The Secretary of State shall, on or before the commence-
ment of this Act, make and publish, and may hereafter from time
to time repeal, alter, or add to rules with respect to the duties
of a visiting committee, and such committee shall conform to any
rules so made, but subject as aforesaid, the members of such 5
committee shall from time to time and at frequent intervals visit
the prison for which they are appointed, and hear any complaints
which may be made to them by the prisoners and if asked
privately. They shall report on any abuses within the prison, and
also on any repairs which may be urgently required in the 10
prison, and shall further take cognizance of any matters of pressing
necessity, and do such acts and perform such duties in relation to a
prison as they may be required to do or perform by the Secretary of
State.

The visiting committee shall report to the Secretary of State 15
any matters with respect to which they may consider it expedient,
and shall report to the Secretary of State as soon as may be, and in
such manner as he may direct, any matter respecting which they
may be required by the Secretary of State to report.

Visit to
prison by
any sheriff
or justice.

16. Any sheriff or justice of the peace, having jurisdiction in the 20
place in which a prison is situate, or having jurisdiction in the
place where the offence in respect of which any prisoner may be
confined in prison was committed, may, when he thinks fit, enter
into and examine the condition of such prison, and of the prisoners
therein, and he may enter any observations he may think fit to 25
make in reference to the condition of the prison or abuses therein in
the visitors book to be kept by the governor; and it shall be the
duty of the governor to draw the attention of the visiting committee,
at their next visit to the prison, to any entries made in the said
book; but he shall not be entitled, in pursuance of this section, to 30
visit any prisoner under sentence of death, or to communicate with
any prisoner, except in reference to the treatment in prison of such
prisoner, or to some complaint that such prisoner may make as to
such treatment.

PART II.

35

SUPPLEMENTAL PROVISIONS.

*As to Obligation to maintain Prisons.*Termination
of local obli-
gation to
maintain
prisons.

17. On and after the commencement of this Act the obligation of
any prison authority or any county or burgh to maintain a prison
or to provide prison accommodation for its prisoners shall cease.

40

18. Where at the time of the passing of this Act any prison authority has no prison of its own, or has not a prison or prisons of its own adequate to the accommodation of the prisoners belonging to such authority, it shall pay into the receipt of the Exchequer *one hundred and twenty* pounds in respect of each prisoner belonging to such prison authority for whom cell accommodation has not at such time as last aforesaid been provided by such authority in a prison of its own.

A.D. 1877.
Compensation to be made in place of prison accommodation.

Any sum payable by a prison authority in pursuance of this section shall be deemed to be a debt due from the prison authority to the Crown, and may be recovered accordingly from the county and burgh or burghs at the passing of this Act within the jurisdiction thereof, subject to the allocation herein-after provided.

Where one prison authority has contributed a sum of money towards the construction by some other prison authority of cell accommodation for the use of the prisoners of the contributing authority, and such cell accommodation has been constructed accordingly, then in assessing the sum payable into the Exchequer by the contributing authority under this section, the contribution so made shall be taken into consideration, and a proportionate deduction be made accordingly.

Any sum payable by a prison authority in pursuance of this section shall be allocated upon and recovered from the county and burgh or burghs at the passing of this Act within the jurisdiction of such prison authority in such proportions as shall be determined by the Secretary of State, having regard to the valuations of such county and burgh or burghs respectively. Any sum so allocated upon a county shall be a charge upon the county general assessment thereof, and any sum so allocated upon a burgh shall be a charge upon such municipal or police assessment or upon the yearly proceeds of the common good and revenues of the burgh as the magistrates may determine.

For the purposes of this section the commissioners of supply of a county, and the magistrates of a burgh, may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per centum as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding *thirty-five years*.

19. Where before the *first day of January one thousand eight hundred and seventy-seven*, any prison authority having more than

Compensation to be made to prison au-

A.D. 1877.

thority in
respect of
accommo-
dation pro-
vided for
prisoners of
some other
authority.

sufficient cell accommodation for the number of prisoners belonging to such prison authority, and which prison authority is in this section called the receiving authority, has contracted with any other prison authority, in this section called the sending authority, that the receiving authority is to receive into its prisons any prisoners 5 belonging to such sending authority, and such receiving authority has in the performance of such contract provided cell accommodation for the prisoners of the sending authority, there shall be paid to the receiving authority, *out of moneys provided by Parliament*, any loss it may have so sustained in relation to such contract for 10 cell accommodation by reason of the passing of this Act, so that the expense of providing cell accommodation for any one prisoner shall not in any case be held to have exceeded the sum of *one hundred and twenty pounds*.

For the purposes of this section any public department of State 15 which has made contracts with respect to prisoners shall be included under the term "prison authority."

Where it appears that any contract under this section is intended to be renewed at the expiration of its subsisting term, the intention of renewal shall be taken into consideration in estimating the loss 20 sustained by the receiving authority.

Where a prison authority has provided a prison or prisons of its own more than adequate for the accommodation of its prisoners, it shall be entitled to receive, *out of moneys to be provided by Parliament*, compensation to the extent of *one hundred and twenty 25 pounds* in respect of each cell provided in such prison or prisons over and above the number of cells required for the average maximum number of prisoners maintained at the expense of such authority in its own prison or prisons during the five years immediately preceding the first day of January one thousand eight 30 hundred and seventy-seven: Provided always, that in case the Prison Commissioners shall report to the Secretary of State that the prison accommodation is in excess of the probable requirements of such prison authority for its own prisoners, or that the buildings are dilapidated or unsuitable, it shall be lawful for the Secretary 35 of State to decline to recommend to the Treasury to make such compensation, in whole or in part, as the circumstances of the case may demand.

Provided also, that no compensation shall be payable under such provision as last aforesaid in respect of any prison discontinued 40 within two years after the commencement of this Act.

A prison authority shall not be entitled to receive under this section more than *one hundred and twenty pounds* in the whole in respect of the same cell.

“Probable requirements” means the probable future requirements of a prison authority calculated as from the passing of this Act.

The average maximum number of prisoners of a prison authority maintained in any prison in any period of five years shall be calculated by finding the greatest number of such prisoners confined therein on the day on which such prison contained most of such prisoners as aforesaid in each of the said five years, and dividing the aggregate so found by five, excluding fractions.

Any sums which a prison authority shall be entitled to receive under this section shall be payable in the same manner and subject to the same conditions as hereinafter provided in regard to any balance due to a prison authority.

20. Where at the time of the passing of this Act a prison authority has contracted to construct a building to be used as a prison, but such building has not at the commencement of this Act been completed or become a prison within the meaning of this Act, the Secretary of State may, if he thinks fit so to do, allow the prison authority time to complete such building as a prison, and when so completed it shall pass over to and vest in the Secretary of State as a prison completed at the commencement of this Act; but if the Secretary of State does not think fit to allow time for the completion of such prison as aforesaid, he shall, nevertheless, in assessing the amount of compensation payable in respect of cell accommodation, make, with the consent of the Treasury, from the compensation payable as aforesaid, such deduction as, having regard to all the circumstances of the case, may be agreed upon, or as may, in the event of disagreement between the Secretary of State and the prison authority, be determined by arbitration.

Allowance to be made to prison authority in respect of uncompleted prison.

As to Contracts and Debts.

21. Nothing in this Act contained shall (save as in this Act mentioned with respect to contracts and obligations between prison authorities) affect any right or claim of any creditor of a prison authority under any contract legally made or in respect of any dealing legally had before the commencement of this Act, and between such creditor and the prison authority of which he is a creditor such contract may be enforced in the same manner in all respects as if this Act had not passed.

General saving of rights of creditors.

A.D. 1877.

Determina-
tion of con-
tracts be-
tween prison
authorities.

22. Any contract made or obligation undertaken by any prison authority with any other prison authority for or in relation to the maintenance of any prison or prisoners, or any matter relating to such maintenance, shall be deemed to be determined on and after the commencement of this Act, without prejudice nevertheless to 5 any moneys which may have accrued due under or in respect of such contract or obligation at or before the commencement of this Act.

Existing
debts to be
defrayed by
prison autho-
rities.

23. There shall be defrayed by a prison authority in the same manner as if this Act had not passed: 10

- (1.) All debts due and sums of money payable in respect of contracts performed, dealings completed, or any matter or thing done before the commencement of this Act; and,
- (2.) All debts on account kept with any bank or any person (together with interest from time to time accruing thereon) 15 due at the commencement of this Act in respect of any prison.

A debt in this section shall include any moneys borrowed or contracted to be borrowed by or advanced to a prison authority on the security or credit of any assessment applicable to the payment of 20 the expenses of a prison.

Provision as
to continuing
contracts.

24. Where any contract or dealing, in which any prison authority is concerned, is a continuous contract or dealing to be performed partly before and partly after the commencement of this Act, and is not a contract or dealing which is declared by this Act to have 25 determined, or a debt of the nature referred to in the preceding section, such contract or dealing shall be deemed to be divisible, and as to so much thereof as is performable before the commencement of this Act, shall create a debt or obligation to be discharged or performed by the prison authority concerned therein, and *as to so* 30 *much thereof as is performable after the commencement of this Act, shall create a debt or obligation to be discharged or performed out of moneys provided by Parliament.*

For the purpose of enforcing the obligations laid upon or reserved against prison authorities in this and the three preceding sections, 35 "prison authority" shall mean the commissioners of supply of the county at the passing of this Act within the jurisdiction of the prison authority; and all such obligations shall be a charge against the county general assessment of such county, but with a right of relief against the burgh or burghs at the passing of this Act within 40 the said jurisdiction, and the municipal or police or other assess-

ments thereof, in the proportion of the valuation of such burgh or burghs respectively to the valuation of such county. A.D. 1877.

As to Assets.

25. Where there is any balance due to any prison authority, Provision as to assets.
 5 either in respect of building assessments or assessments for current expenses, such balance shall be payable to the commissioners of supply of the county at the passing of this Act within the jurisdiction of such prison authority; but the said commissioners shall be bound to pay to the magistrates of the burgh or burghs at
 10 the passing of this Act within the said jurisdiction a portion or portions thereof in the proportion of the valuation of such burgh or burghs respectively to the valuation of such county. The sums ultimately payable to such commissioners and magistrates respectively shall be placed to the credit of the county general assessment
 15 of the county, or municipal, or police, or other assessments of the burgh or burghs as the case may be.

As to Classification and Commitment of Prisoners.

26. The Secretary of State may from time to time by any general or special rule appoint in any county or burgh a convenient prison
 20 or prisons in which prisoners are to be confined before and during trial, or at either of such times, and any prisoner who might if this Act had not passed, have been lawfully confined in a prison situate within the area of such county or burgh may be lawfully confined in any prison or prisons so appointed: Moreover, the Secre-
 25 tary of State may by any general or special rule from time to time appoint any convenient prison or prisons in any adjoining or adjacent county or burgh to which prisoners may be committed for trial, safe custody, punishment, or otherwise, and any prisoners may be committed to such prison accordingly.
- 30 27. The Secretary of State may from time to time by any general or special rule appropriate either wholly or partially particular prisons within his jurisdiction to particular classes of convicted criminal prisoners, and may remove any convicted criminal prisoner from any one prison to any other prison within his jurisdiction
 35 for the purpose of his undergoing the whole or any portion of his punishment in such prison; provided that a prisoner who is confined in a prison situate beyond the limits of the county or burgh in which he was convicted of his offence shall, at the time of his discharge, be taken back at the public expense to the county or
 40 burgh in which he was so convicted.

A.D. 1877.

Confinement
of debtors
and other
civil prison-
ers.

28. The Secretary of State may from time to time by any general or special rule appoint in any county or burgh, or in any adjoining or adjacent county or burgh, a prison or prisons in which civil prisoners are to be confined during the period of their imprisonment, and it shall be lawful to confine in any prison so appointed during 5 the period of his imprisonment any civil prisoner who might, if this Act had not passed, have been confined during such period in any prison situate within the area of the county or burgh.

Secretary of
State may le-
galize police
cells as places
of detention
for short
periods.

29. In any county or burgh in which there are police cells or other premises in the possession of the police authority of such 10 county or burgh, the Secretary of State may from time to time, on the application of such police authority, by any general or special rule, declare that such cells or any number of them, or such other premises or any part of them, shall be a legal prison for the detention of prisoners before or during or after trial, for 15 any period not exceeding *fourteen days*; and any person charged with or convicted of any crime or any offence committed within such county or burgh, as the case may be, who might, if this Act had not passed, have been lawfully confined in a prison situate within the area of such county or burgh may be lawfully confined 20 in such police cells or other premises for such period.

The maintenance of prisoners confined in such police cells or other premises shall be deemed to be the maintenance of prisoners in terms of this Act, *and the expense incurred in respect thereof shall be defrayed out of moneys provided by Parliament*, subject to this 25 proviso, that the police authority shall not be entitled to make any claim in respect of the use of the police cells or other premises, or of the personal services rendered by any of their officers in detaining or removing the prisoners therein confined.

For the purposes of this section the police authority of any county 30 or burgh, and all persons in their employment, shall be subject to the provisions of this Act, and of any rules made in pursuance thereof.

“Police authority” shall mean the body having the charge or management of the police of a county or burgh under the provisions of any general or local Act of Parliament. 35

Saving as to
commitment
of prisoners.

30. Subject to this Act, and any rules made in pursuance thereof, prisoners may be committed to the same prison to which they might have been committed if this Act had not passed.

The committal or imprisonment of a prisoner to or in a prison, if otherwise valid, shall not be illegal by reason only that such prisoner 40 ought, according to the law for the time being in force, to have been committed to, or imprisoned in, some other prison, but any such

prisoner as is mentioned in this section shall, on application made on his behalf in a summary manner to any judge of the Court of Justiciary, be entitled to be removed at the public expense to such other prison as aforesaid. A.D. 1877.

- 5 **31.** A prisoner shall be deemed to be in legal custody whenever he is being taken to or from, or whenever he is confined in, any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the walls of any such prison in the custody or under the control of a prison officer belonging to
 10 such prison; and any constable or other officer acting under the order of any sheriff, justice of the peace, or magistrate having power to commit a prisoner to prison may convey a prisoner to or from any prison to or from which he may be legally committed or removed, notwithstanding such prison may be beyond the juris-
 15 diction of such constable or officer in the same manner and with the same incidents as if such prison were within such jurisdiction.

Legal cus-
tody of pri-
soner.

Discharge of Prisoners.

- 32.** Any prisoner confined in a prison whose term of imprisonment would, according to his sentence, expire on any Lord's day,
 20 shall be entitled to his discharge on the Saturday next preceding such Lord's day; and every governor of every prison having the custody of any such prisoner as aforesaid is hereby required and authorised to discharge such prisoner on the Saturday next preceding any such Lord's day.

When term
of imprison-
ment expires
on Sunday.

- 25 **33.** The Secretary of State, upon the application of any one or more member or members of any society formed for the purpose of finding employment for discharged prisoners, and enabling them by loans and grants of money to live by honest labour, and after examining the rules of such society, and receiving such evidence
 30 as he thinks fit as to the condition of such society, may issue a certificate under his hand to the effect that such society is approved by him for the purposes of this Act, and he may subsequently at any time, upon due cause shown, by a writing under his hand, revoke or suspend such certificate, and any society in respect of
 35 which such certificate as aforesaid has been granted and remains in force shall be deemed to be a "Certified Prisoners Aid Society," and to be entitled to such privileges as are herein-after mentioned.

Power to
Secretary of
State to
grant certi-
ficates to
Prisoners
Aid Socie-
ties, and to
revoke or
suspend the
same.

- 34.** Where any prisoner is discharged from prison, the Prison Commissioners may, on the recommendation of the visiting com-
 40 mittee or otherwise, order a sum of money not exceeding *two pounds* to be paid by the governor to the prisoner himself, or to the

Allowance
to discharged
prisoner.

A.D. 1877. treasurer of a certified Prisoners Aid Society or Refuge, *out of any moneys voted by Parliament for the purpose*, on the governor receiving from such society an undertaking in writing, signed by the secretary thereof, to apply the same for the benefit of the prisoner.

Discharged
prisoner
provided
with means
of returning
to place of
settlement.

35. When a prisoner is discharged from prison the Prison Commissioners may provide such prisoner, *out of any moneys voted by Parliament for the purpose*, with the means of returning to his home by causing his fare to be paid by railway, or in any other convenient manner. 5

As to Jurisdiction.

10

Jurisdiction
of sheriff and
other officers.

36. The Secretary of State may from time to time, if he think it expedient so to do, by any general or special rule direct that any prison not locally situate within the county or burgh is to be considered to be the prison of such county or burgh, but subject to any such rule as in this section mentioned, and until the same be made 15 the transfer under this Act of the prisons to which this Act applies, and of the powers and jurisdiction of prison authorities, shall not affect the jurisdiction, save as provided by this Act, of any sheriff, magistrate, justice of the peace, or other officer having at the commencement of this Act jurisdiction in, over, or in respect of such 20 prison.

All powers, authorities, and jurisdictions necessary for giving effect to the provisions of this Act are hereby conferred upon all courts, judges, sheriffs, magistrates, justices of the peace, and officers thereof. 25

Prisoners
under sen-
tence of
death.

37. Nothing in this Act contained shall affect the jurisdiction or responsibility of the magistrates of burghs in respect of prisoners under sentence of death, and confined in any prison within their jurisdiction, or their jurisdiction or control over the prison where such prisoners are confined, and the officers thereof, so far as may be 30 necessary for the purpose of carrying into effect the sentence of death, or for any purpose relating thereto; and in any prison in which sentence of death is required to be carried into effect on any prisoner, the magistrates shall, for the purposes of carrying that sentence into execution, be deemed to have the same jurisdiction with respect to 35 such prison as they would by law have had with respect to the prison within their burgh if this Act had not passed.

As to Discontinuance of Prisons.

Power of
Secretary of
State to dis-
continue
prisons.

38. The Secretary of State may by order from time to time discontinue any prison or prisons which are vested in him by this Act, 40

and any order made by the Secretary of State in pursuance of this section shall be laid before both Houses of Parliament forthwith, if Parliament be sitting at the time of the order being made, or if not then sitting, within one month after the commencement of the
 5 then next session of Parliament.

A.D. 1877.

39. When a prison to which this Act applies is discontinued the Secretary of State may direct the same to be sold by public auction, at an upset price to be named in the advertisement of sale, and after paying the expenses of such sale, and also after making
 10 payment into the Exchequer, for the public use, of *one hundred and twenty pounds* in respect of each prisoner maintained by the prison authority to whom such prison originally belonged, for whom cell accommodation was provided in such discontinued prison at the time of the passing of this Act, he shall render the overplus (if any) to
 15 the commissioners of supply of the county and magistrates of the burgh or burghs at the passing of this Act within the jurisdiction of such prison authority in such proportions as he shall determine, having regard to the valuations of such county and burgh or burghs respectively.

Effect of
discontinu-
ance of
prison.

20 The commissioners of supply of a county or magistrates of a burgh may purchase such discontinued prison, and if they do so they may sell or otherwise dispose of the same in such manner as they think fit; provided that any price obtained by them shall, in the first instance, be applied in extinguishing, or towards the extinction of,
 25 any sums borrowed in pursuance of this Act, and the overplus, if any, shall be applied as such commissioners or magistrates may think fit.

Where any discontinued prison forms part of or is immediately contiguous to any buildings belonging to the commissioners of supply of a county or the magistrates of a burgh, as the case may
 30 be, such commissioners of supply or magistrates, as the case may be, may, at any time before such prison is sold by public auction, require the Secretary of State to sell the same to them at the upset price named in the advertisement of sale, and thereupon such prison, but without any furniture or effects belonging thereto, shall
 35 belong to such commissioners of supply or magistrates, as the case may be, in the same manner as if they had purchased it at a public auction under this section.

Any sum payable by commissioners of supply or magistrates of burghs in pursuance of this section shall be deemed to be a debt due
 40 from such commissioners or magistrates to the Crown, and may be recovered accordingly.

A.D. 1877. For the purposes of this section such commissioners or magistrates may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per centum as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount 5 so borrowed be discharged within a period not exceeding *thirty-five* years.

For the purposes of this section the cell accommodation provided by a prison authority in all its prisons may be calculated, and if it appears from such calculation that sufficient accommodation 10 has been provided by such authority in any one prison or prisons belonging to such authority no sum shall be payable under this section by such prison authority in respect of the discontinued prison, and a proportionate deduction shall be made in the sum payable under this section by a prison authority in the event of 15 any partial accommodation in excess of the necessary accommodation having been provided in such other prisons belonging to that authority.

Status of Officers.

Position and duties of existing officers of General Managers of Prison at Perth.

40. The clerks and other officers in the office in Edinburgh of 20 the Managers of the General Prison at Perth at the time of the commencement of this Act shall hold their offices by the same tenure, and upon like terms and conditions, and receive the same or equivalent salaries and emoluments as if this Act had not passed. Such existing officers shall perform such duties as they may be 25 required to perform by the Secretary of State, so that such duties are the same or analogous to those they performed previously to the commencement of this Act; and, subject as aforesaid, they shall perform the same duties as nearly as may be as they are performing at the commencement of this Act. In estimating at any time after 30 the commencement of this Act the period of service of any such officer for the purpose of superannuation in terms of the Superannuation Act, 1859, such officer shall be entitled to take into account the number of years service passed by him under the late General Board of Directors of Prisons in Scotland and the 35 said Managers of the General Prison at Perth, along with the years service passed by him under this Act.

Position and duties of existing officers of prisons.

41. The officers attached to prisons at the time of the commencement of this Act (in this Act referred to as existing officers of a prison) shall hold their offices by the same tenure, and upon like 40 terms and conditions, as if this Act had not passed, and shall

receive salaries of not less amount than those which they have A.D. 1877.
hitherto received.

Such existing officers as aforesaid may be distributed amongst the several prisons to which this Act applies in such manner as
5 may be directed by the Secretary of State, and they shall perform such duties as they may be required to perform by the said Secretary of State, so that such duties are the same or analogous to those they performed previously to the commencement of this Act, and, subject as aforesaid, they shall perform the same duties
10 as nearly as may be as they are performing at the time of the commencement of this Act.

An existing officer of a prison who is at the commencement of this Act in the receipt of military or naval half-pay, or who has at or before such commencement as aforesaid, commuted his pension
15 in pursuance of the Pensions Commutation Act, 1871, or is in receipt of any pension payable out of public moneys, shall not be subject to any deduction from his salary, or to be deprived of any portion of his half-pay or of his pension, by reason of his salary being thenceforward paid out of public moneys, or of his employ-
20 ment becoming a public employment or an employment of profit under Her Majesty within the meaning of the Acts of Parliament providing for such deduction of salary or deprivation of half-pay, nor be disqualified from receiving such half-pay or pension by reason of his becoming by virtue of this Act a civil servant of Her
25 Majesty.

42. If at any time after the commencement of this Act it appears to the Treasury that any existing officer of an ordinary prison has complied with the requirements of section eighteen of the Prisons (Scotland) Administration Act, 1860, and there shall be a
30 report of the Prison Commissioners testifying to his good conduct during his period of service under them, and recommending a grant to be made to him, the Treasury may grant to such officer, having regard to his length of prison service, an annuity, by way of superannuation allowance, not exceeding *two thirds* of his salary and
35 emoluments, or a gratuity not exceeding the amount of his salary and emoluments for *one year*.

Superannuation of officers and abolition of office after a year.
23 & 24 Vict.
c. 105. s. 18.

If any office in any ordinary prison to which this Act applies is abolished, or any officer is retired or removed, any existing officer of such prison who by reason of such abolition, retirement,
40 or removal is deprived of any salary or emoluments, shall be dealt with in manner provided by the Superannuation Act, 1859, with respect to a person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of

A.D. 1877. — facilitating improvements in the organization of the department to which he belongs.

“Prison service,” for the purposes of this section, means, as respects the period before the commencement of this Act, service in a particular ordinary prison, or in the prisons of the same authority, transferred to the Secretary of State, and, as respects the period after the commencement of this Act, service in any such prison or in any other prison transferred to the Secretary of State under this Act.

Any annuity by way of superannuation allowance or gratuity granted under this section shall be apportioned between the period of service before the commencement of this Act and the period of service after the commencement of this Act; and so much of such annuity or allowance as is payable in respect of service before the commencement of this Act, regard being had to the amount of salary then paid, but without taking into account any number of years added to the officers service on account of abolition of office, or for facilitating the organization of the department, shall be paid, in such proportions as the Secretary of State shall determine by the commissioners of supply of the county and the magistrates of the burgh or burghs at the commencement of this Act within the jurisdiction of the prison authority of the prison in which the officer to whom such annuity or allowance is granted was serving at the date of the commencement of this Act, out of the county general assessment or any municipal or police or other assessment of the burgh, as the case may be, and *the residue shall be paid out of moneys provided by Parliament.*

As to Miscellaneous Matters.

Regulations
as to hard
labour.

43. A court of law having jurisdiction to sentence to imprisonment may also sentence to hard labour, either for the whole or a portion of the sentence, and the Secretary of State may make any general or special regulations in regard to carrying out sentences of hard labour, and may from time to time vary any regulation so made. In making any regulations in pursuance of this section, the the Secretary of State shall have regard to the previous convictions, the industry, and the conduct of the prisoners.

Special rules
as to treat-
ment of un-
convicted
prisoners and
certain other
prisoners.

44. Whereas it is expedient that a clear difference shall be made between the treatment of persons unconvicted of crime and in law presumably innocent during the period of their detention in prison for safe custody only, and the treatment of prisoners who have been convicted of crime during the period of their detention in prison for

A.D. 1877.

the purpose of punishment, and that, in order to secure the observance of such difference there shall be in force in every place in which prisoners are confined for safe custody only, special rules regulating their confinement in such manner as to make it as little as possible oppressive, due regard only being had to their safe custody, to the necessity of preserving order and good government in the place in which they are confined, and to the physical and moral well-being of the prisoners themselves: Therefore, be it enacted, that the Secretary of State shall make, and when made may from time to time repeal, alter, or add to special rules—

- (1.) With respect to the retention by a prisoner of the possession of any books, papers, or documents in his possession at the time of his arrest, and which may not be required for evidence against him, and are not reasonably suspected of forming part of property improperly acquired by him, or are not for some special reason required to be taken from him for the purposes of justice;
- (2.) With respect to communications between a prisoner, his solicitor, and friends, so as to secure to such prisoner as unrestricted and private communication between him, his solicitor, and his friends as may be possible, having regard only to the necessity of preventing any tampering with evidence, and any plans for escape, or other like considerations; and
- (3.) With respect to arrangements whereby prisoners may provide themselves with articles of diet, or may be furnished with a sufficient quantity of wholesome food, and may be protected from being called upon to perform any unaccustomed tasks or offices; also any matter which the Secretary of State may think conducive to the amelioration of the condition of a prisoner who has not been convicted of crime, regard being had to such matters as are in this section directed to be regarded.

45. The Prison Commissioners shall see that any prisoner under sentence inflicted on conviction for sedition or seditious libel shall be treated in the manner provided in special rules to be made, and which when made may be repealed, altered, or added to, by the Secretary of State in regard to the treatment of such prisoners.

Treatment
of prisoners
convicted of
sedition, &c.

46. Any person who shall be imprisoned for contempt of any court shall be treated in the manner provided in special rules to be made, and which when made may be repealed, altered, or added to,

Treatment
of persons
committed
for contempt
of court.

A.D. 1877. by the Secretary of State in regard to the treatment of persons so imprisoned.

Test of malingering to be made only with authority of visiting committee.

Limitation of time of confinement.

47. Where the prison medical officer considers it necessary to apply any painful test to a prisoner to detect malingering or otherwise, such test shall only be applied by authority of an order from 5 the visiting committee or a prison commissioner.

48. It shall not be lawful for the governor to order any prisoner to be confined in a punishment cell for any term exceeding *twenty-four* hours; nor shall it be lawful for the visiting committee to order any prisoner to be punished by confinement in a punishment 10 cell for any term exceeding *fourteen* days.

Transfer of duties of existing inspectors of prisons.

49. On and after the commencement of this Act, any duties required by Act of Parliament or otherwise to be performed by an inspector of prisons appointed in pursuance of the Act of the session of the fifth and sixth years of King William the Fourth, 15 chapter thirty-eight, may, subject to any directions to be given by the Secretary of State, be performed by any Prison Commissioner or Inspector appointed under this Act.

The persons who at the commencement of this Act hold the offices of Inspectors of Prisons under such last-mentioned Act shall become 20 inspectors under this Act, in the same manner and liable to the performance of the same duties as if they had been appointed inspectors in pursuance of this Act, subject to the following qualifications; namely,

- (1.) Every such inspector shall hold his office by the same tenure, 25 and upon like terms and conditions, as if this Act had not passed, and shall receive a salary of not less amount than that which he has hitherto received; and
- (2.) Any duties they may be required to perform in pursuance of this Act shall be the same or analogous duties to those 30 which they performed previously to the commencement of this Act.

The seventh section of the Act of the session of the fifth and sixth years of William the Fourth, chapter thirty-eight, shall be repealed from and after the commencement of this Act, in so far as 35 respects Scotland.

Power of authority to borrow on rate.

50. The commissioners of supply of a county and the magistrates of a burgh may borrow any moneys authorised to be borrowed by them under this Act as one loan or as several loans, on the security of the county general assessment of the county, or the muni- 40

cipal, or police, or other assessment of the burgh, as the case may be. A.D. 1877.

The period for the discharge of a loan under this Act shall be deemed to begin at the date of the first advance of money made on account of any such loan or loans.

51. The Public Works Loan Commissioners may advance to the commissioners of supply of a county, or the magistrates of a burgh, on the security of such assessments as aforesaid, and without any other or farther security, any moneys authorised to be borrowed by such commissioners of supply or magistrates for the purposes of this Act. Power of Public Works Loan Commissioners to lend.

52. The legal estate in every prison to which this Act applies, and in the site and land belonging thereto, and in the furniture and effects, shall on and after the commencement of this Act be deemed to be vested in the Prison Commissioners and not in the Secretary of State, but shall from time to time be disposed of by such Commissioners in such mode as the Secretary of State, with the consent of the Treasury, may direct. Legal estate in prison.

53. Any rule made by a Secretary of State, in pursuance of this Act, or of the Prisons (Scotland) Administration Act, 1860, may be proved in manner in which regulations made under the authority of one of Her Majesty's Principal Secretaries of State are capable of being proved in pursuance of the Documentary Evidence Act, 1868; and all enactments inconsistent with this Act, are hereby repealed: Provided always, that all rules and regulations made under or in pursuance of the foresaid Acts shall be forthwith laid in a complete form, after the same shall have been settled and approved by such Secretary of State, before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if any such rules or regulations shall be disapproved by either House of Parliament within forty days after the same shall have been so laid before Parliament, such rules or regulations, or such parts thereof as shall be so disapproved of, shall be void and of no effect: Provided also, that no such rules or regulations shall come into force or operation until the same shall have been so laid before Parliament for forty days. Rules of Secretary of State, and repeal of inconsistent enactments.

54. Nothing in this Act contained shall entitle any existing officer of a prison to any superannuation or other allowance the conditions of whose office would not have entitled him to super- Saving clause as to pensions.

A.D. 1877. annuation or other allowance under the Prisons (Scotland) Administration Act, 1860.

Repeal of
section 50 of
20 & 21 Vict.
c. 71.

55. Section fifty of the Act passed in the twentieth and twenty-first years of the reign of Her present Majesty, chapter seventy-one, is hereby repealed, and in lieu thereof it is enacted as follows :

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The District Boards of Lunacy elected in terms of the repealed section shall continue in office until the election of district boards elected in terms hereof.

Constitution
of District
Boards of
Lunacy.

There shall be chosen for each of the districts into which Scotland is or may hereafter be divided for the purposes and in terms of the last-recited Act and any Act amending the same, a board to be called the District Board of Lunacy, the number of the members whereof shall be fixed by the General Board of Lunacy in Scotland, who shall also fix the number of the members of each district board to be elected by the commissioners of supply and magistrates of burghs respectively in each county within such district, and such number shall be proportioned, as nearly as may be, to the valuation of the property situated in each such county and burgh. The members of such district board shall be elected annually by the commissioners of supply and magistrates of burghs at such time as shall be determined by the said General Board of Lunacy ; and any vacancy occurring by the death or resignation of any member shall be filled up by the same body by whom the member so vacating was elected. Such district boards shall meet at such times and places as shall be fixed by the General Board of Lunacy from time to time, and shall have power to adjourn and also to appoint a chairman who, in case of an equality of votes, shall have a casting vote, and committees of their number, to whom may be delegated all or any part of the powers by the said recited Act committed to such district boards. Three shall be a quorum of a district board.

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Provision
for expense
of Lunacy
District
Board where
there is no
district
asylum.

56. Where it shall happen that in any such district as is mentioned in the preceding section there shall be no district asylum, the clerk of the district board shall divide and apportion the total amount of the expenses incurred by the district board of such district between the landward part of the county and the burghs situated therein, according to the total value of lands and heritages as appearing in the valuation rolls of such county and burghs respectively, and shall transmit to the convenor of the commissioners of supply of the county, and to the chief magistrate of each burgh situated therein a notification of the total amount of such expenses, and of the proportion thereof to be paid by the landward part of the county and by each burgh respectively.

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The sums so apportioned as due by the landward part of the county shall be a charge upon and shall be paid out of the county general assessment of such county, and the sums so apportioned as due by each burgh shall be a charge upon and shall be paid out of any assessment levied in such burgh, and payable one half by the owner and one half by the tenant or occupier of the lands and heritages within the burghs.

A.D. 1877.

57. Where assessments under any Act of Parliament may be imposed, levied, and recovered in the same way and manner as the assessments imposed and levied under the Prisons (Scotland) Administration Act, 1860, such assessments may be imposed, levied, and recovered in the same way and manner and with the like powers as any other assessment which may be leviable by the commissioners of supply within any county or the magistrates within any burgh upon the lands and heritages within the same, as appearing on the valuation roll thereof; provided that in a county such assessments shall be payable wholly by the owner of lands and heritages within the county, and that in a burgh such assessments shall be payable one half by the owner and one half by the tenant or occupier of the lands or heritages within the burgh, but the whole of such last-mentioned assessments may be levied on and recovered from the tenant or occupier who, on production of a receipt by the collector therefor, shall be entitled to deduct one half of the amount from the rent payable to the owner: Provided also, that it shall be lawful for such commissioners of supply to exempt from such assessments in any county any lands and heritages the annual value of which, as appearing from the valuation roll, shall not exceed *two* pounds sterling, on account of the poverty of the owner thereof; and that it shall be lawful for such magistrates to exempt from the whole or any part of such assessments in any burgh the tenant or occupier of any lands and heritages the annual value of which, as appearing from the valuation roll, shall not exceed *five* pounds sterling, on account of the poverty of such occupier. And all such assessments shall in the case of bankruptcy or insolvency be paid out of the first proceeds of the estate, and shall be preferable to all other debts of a private nature due by the persons assessed.

Provision
for levying
certain as-
sessments
heretofore
levied along
with the
prison assess-
ment.

Nothing herein contained shall prejudice the power of levying any assessments in any other way or manner not affected by the repeal of the Prisons (Scotland) Administration Act, 1860.

58. For enabling the Prison Commissioners to purchase, take, and acquire lands for the purposes of this Act, "The Lands Clauses

8 & 9 Vict.
c. 19. incor-
porated with

A.D. 1877. Consolidation (Scotland) Act, 1845," excepting section one hundred and sixteen thereof, and any Act amending the said Act, shall be incorporated with and form part of this Act: Provided that the clauses of the said Lands Clauses Consolidation Acts, with respect to the purchase and taking of lands otherwise than by agreement, 5 shall not be incorporated herewith, except for the purpose of acquiring lands adjoining or adjacent to a prison for the purpose of enlarging, improving, or isolating such prison; and the expression "the special Act" in the said Lands Clauses Consolidation Acts shall mean this Act, and the expression "the promoters of the 10 undertaking" in the said Act shall mean and include the said Prison Commissioners.

Returns of warrants of imprisonment and sentences. 59. The clerk of every court, judge, sheriff, magistrate, justice of the peace or other judicial officer, by whom any warrant for imprisonment or any sentence of imprisonment or penal servitude 15 is pronounced, shall make a return thereof to the Prison Commissioners at such time and in such form and under such penalty as the Secretary of State may determine.

Judicial Statistics.

Prison Commissioners to discharge duties of department of Judicial Statistics. 60. The Prison Commissioners shall be the department of 20 judicial statistics under the Judicial Statistics (Scotland) Act, 1869, and shall discharge the duties of the said department, and all statutory returns relating to such statistics shall be made to them accordingly. The Secretary of State shall from time to time appoint a superintendent of the said department *at such salary as* 25 *shall be determined with the sanction of the Treasury*, and such superintendent may, with the consent of the Treasury, fill any other office under the said Prison Commissioners.

Reformatories and Industrial Schools.

Commissioners of supply of counties or magistrates of burghs may contribute to reformatories or industrial schools. 61. The commissioners of supply of any county or the magis- 30 trates of any burgh may resolve to contribute to any reformatory or industrial school in any part of Scotland which has been certified by one of Her Majesty's Principal Secretaries of State, in terms of an Act passed in the seventeenth and eighteenth years of Her present Majesty, intituled "An Act for the better care and refor- 35 " mation of youthful offenders in Great Britain," or the Industrial Schools Act, 1866, or any Act amending the same, and on such resolution, stating the name of the reformatory or industrial school to which they propose to contribute, being transmitted to the Secretary of State for the Home Department, being one of Her 40

A.D. 1877.

Majesty's Principal Secretaries of State, he shall intimate whether he approves or disapproves of such resolution; and if he intimate that he approves thereof, such commissioners or magistrates may from time to time pay over such sum as they may think fit to the
 5 directors and managers of such reformatory or industrial school, and such sum shall be a charge on the county general assessment or on any municipal or police or other assessment of any burgh, as the case may be: Provided, that if at any time such Secretary of State shall notify his withdrawal of such his approval, it shall no
 10 longer be lawful for the commissioners or magistrates to contribute to such reformatory or industrial school.

Arrangement and Arbitration.

62. The Secretary of State on the one hand (with the assent of the Treasury so far as any public moneys are concerned) and a
 15 prison authority on the other, may, with a view to carry into effect the purposes of this Act, compromise any matter, or settle any difference, or refer to a single arbiter any matter or difference.

Power of Secretary of State and prison authority to compromise and refer to arbitration.

Definitions.

63. The expression "furniture and effects belonging to a prison" includes all furniture, beds, bedding, clothes, linen, implements, machinery and stores, except goods manufactured for sale and materials in store for the purposes of such manufacture, also all books, papers, registers and documents whatsoever relating to such prison or to the prisoners therein, also all articles whatsoever,
 25 whether or not of the same kind as those previously described, belonging at the commencement of this Act to the prison authority of any prison for the purposes of such prison.

Definition of "furniture and effects belonging to a prison."

64. A "prisoner" for the purposes of this Act means any person committed to prison for trial, safe custody, punishment, or otherwise; and "the maintenance of a prisoner" includes all such necessary expenses incurred in respect of a prisoner for food, clothing, custody, safe conduct, and removal from one place of confinement to another, or otherwise, from the period of his committal to prison until his death or discharge from prison, as would if this Act had not passed
 35 have been payable by the managers appointed under the Prison (Scotland) Administration Act, 1860, or by a prison authority, with this proviso, that nothing in this Act shall exempt a prisoner from payment of any costs or expenses in respect of his conveyance to prison or otherwise which he would have been liable to pay if this
 40 Act had not passed.

Definition of "prisoner" and "maintenance of prisoner."

A.D. 1877. Nothing herein contained shall alter the law with respect to the aliment of civil prisoners; or with respect to the powers and jurisdiction at present possessed by the sheriff of a county or the magistrates of a burgh with respect to applications and proceedings for aliment, and for liberation of civil prisoners. 5

For the purposes of this Act, sufficient accommodation for the prisoners belonging to a prison authority shall, as nearly as can be ascertained, be deemed to be the average daily number of prisoners maintained at the expense of such authority, whether in its own prison or in a prison belonging to some other prison authority 10 during the *five* years immediately preceding the first day of January *one thousand eight hundred and seventy-seven*.

“Cell accommodation for a prisoner” means a cell for the separate confinement of such prisoner certified in pursuance of this Act by the Secretary of State as in respect of its cubical contents and 15 other particulars proper for the detention of prisoners. For the purpose of such certificate a cell may be deemed to be of sufficient cubical contents if it contains *seven hundred cubic feet* or upwards.

Definitions. 65. In the construction of this Act, unless there is something 20 inconsistent in the context,—

“County” shall not include a county of a city:

For the purposes of this Act, Orkney and Zetland shall be taken to be separate counties:

For the purposes of this Act the northern prison district and 25 the southern prison district of the county of Lanark, as defined by the “Prisons (Scotland) Administration Acts (Lanarkshire) Amendment Act, 1868,” shall be taken to be separate counties; and the duties, rights, and obligations arising under this Act shall, in the said districts, exist and 30 be discharged, as nearly as may be, in conformity with the provisions of the last mentioned Act; and if any question shall arise in regard thereto, it shall be determined by the Secretary of State; and any order under his hand shall have the same effect as if it were contained in this Act: 35 Provided always, that after the commencement of this Act no district prison board shall be elected for either prison district of the said county:

“Burgh” shall include and apply to the cities, burghs, and towns which are royal burghs, or which send or contribute as burghs 40 to send a member to Parliament:

For the purposes of this Act the boundaries of a burgh shall be the boundaries thereof at the passing of this Act for

prison purposes, under the provisions of the Prisons (Scotland) Administration Act, 1860 : A.D. 1877.

“Magistrates” shall include the magistrates and town councils of burghs :

5 “Sheriff” shall include sheriff substitute :

“Prison authority” shall mean a county prison board appointed in terms of the Prisons (Scotland) Administration Act, 1860 :

10 “Prison” shall include all legal prisons in Scotland, and in respect to those existing at the commencement of this Act, whether the same have been administered by the Managers appointed in terms of the Prisons (Scotland) Administration Act, 1860, or by county prison boards appointed under that Act, but shall not include military prisons, or, except in so far as expressly provided, police cells or other places of detention :
15 Provided always, that it shall include any land or building bought, or contracted to be bought before the commencement of this Act by a prison authority, for the purpose of enlarging or altering any prison, or adding to the appurtenances of any prison, subject to this proviso, that if the Secretary of State is
20 of opinion that any portion of the lands so bought or contracted to be bought, whether included or not within the walls of the prison, was not at the time of the passing of this Act necessary for the then subsisting purposes of such prison, he shall either direct that such portion shall be re-conveyed to the
25 prison authority, or retain such portion, or any part of such portion, on payment out of moneys provided by Parliament of such sum as may be agreed upon, or, in the event of difference, may be determined by arbitration in manner provided by this Act, on the transfer of any such prison to him, and the vesting thereof in him as by this Act provided :

30 “Ordinary prisons” shall include all legal prisons under this Act other than the general prison at Perth or any prison which may be hereafter declared by Her Majesty in Council to be a general prison :

35 “Civil prisoner” shall include all persons imprisoned for civil debts due to subjects; prisoners for debts or taxes due to the Crown, not being fines or penalties inflicted on conviction of offences; prisoners on meditatione fugæ warrants granted at the instance of creditors for performance of civil obligations;
40 prisoners ad factum præstandum; prisoners under the Employers and Workmen Act, 1875; and prisoners until they find caution under writs of lawburrows :

- A.D. 1877. — “Criminal prisoner” shall include all prisoners who are not civil prisoners :
- “Valuation” shall mean the total annual value of the lands and heritages within a county or burgh as appearing from the valuation roll thereof for the time being in force : 5
- “Governor” shall mean the chief male officer of a prison :
- “Matron” shall mean the chief female officer of a prison.

Repeal of Acts.

Repeal of
Acts.

66. The Acts specified in the schedule to this Act are hereby repealed, from and after the commencement of this Act, to the 10 extent specified in the third column of the schedule.

Provided that the repeal enacted by this section shall not affect—

- (1.) Anything done or suffered, or any right, obligation, or liability acquired or incurred under any enactment hereby repealed ; or 15
- (2.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed ; or
- (3.) Any investigation, legal proceeding, or remedy in respect of 20 any such right, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

SCHEDULE.ACTS REPEALED.

	Session and Chapter.	Title.	Extent of Repeal.
5	23 & 24 Vict. c. 105.	The Prisons (Scotland) Administration Act, 1860.	The whole Act, except sections seventy-two to seventy-five, both inclusive.
10	26 & 27 Vict. c. 109.	An Act for remedying certain defects in the law relating to the removal of prisoners in Scotland.	Section two.
	27 & 28 Vict. c. 53. -	The Summary Procedure Act, 1864 -	Sections thirty-six and thirty-seven.
15	28 & 29 Vict. c. 84. -	An Act to amend the Prisons (Scotland) Administration Act, 1860, and to explain the fifty-second and seventy-seventh sections of the said Act.	The whole Act.
20	32 & 33 Vict. c. 35. -	The Prisons (Scotland) Amendment Act, 1869.	The whole Act.

Prisons (Scotland).

A.

BILL

[AS AMENDED IN COMMITTEE]

To amend the Law relating to Prisons
in Scotland.

(*Prepared and brought in by*
The Lord Advocate and Mr. Secretary Cross.)

Ordered, by The House of Commons, to be Printed,
9 April 1877.

[Bill 124.]

Under 4 oz.

A

B I L L

TO

Enable the Tenants of Arable Farms in Scotland to protect
their growing Crops from Injury by Hares and Rabbits.

A.D. 1877.

WHEREAS it is expedient to enable the tenants of arable farms
in Scotland to protect their growing crops from being injured
by hares and rabbits :

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :

1. *From and after the passing of this Act* no tenant of an arable
farm, held under any lease or agreement made after the passing
10 of this Act, nor any one person being a son or farm servant
of such tenant, and having his written authority, shall be liable
to prosecution or to be sued in any court, civil or criminal, for
penalty, interdict, irritancy of lease, or damages, or for any payment
whatever in respect of his pursuing, shooting, killing, or taking,
15 or for having pursued, shot, killed, or taken hares or rabbits upon
the arable farm in the occupation of such tenant : Provided, that
the tenant shall have given to his landlord, or to his known agent,
notice in writing of the name of such person so authorised by the
tenant to pursue, shoot, kill, or take hares or rabbits on the farm
20 seven days before such person commences to pursue, shoot, kill, or
take hares or rabbits.

Exemption
from pro-
ceedings in
respect of
pursuing,
shooting,
killing, or
taking hares
or rabbits
on arable
farms.

2. This Act shall not apply to any arable farm over which the
right to kill game has been granted by any probative lease executed
before the passing of this Act during the currency of such lease.

Saving game
leases.

25 3. In this Act—

The words “arable farm” shall mean any holding whereof not
less than *four fifths* of the land of a farm is arable or let for
the purpose of improvement or cultivation ; and where less
than *four fifths* of the land of a farm is arable or let for
[Bill 74.]

Definitions.

2 *Protection to Growing Crops (Scotland).* [40 VICT.]

A.D. 1877. the purpose of improvement or cultivation, they shall mean
that portion only of the farm which is arable or let for the
purpose of improvement or cultivation.

The words "farm servant" shall mean a person hired as a farm
servant for any period not less than *six* months. 5

The word "landlord" shall mean the person entitled to receive
the rent of an arable farm.

The word "tenant" shall include the occupier.

Extent of
Act.

4. This Act shall apply to Scotland only.

Short title.

5. This Act may be cited as "The Protection to Growing Crops 10
(Scotland) Act, 1877."

Crops (Scotland).

A

B I L L

To enable the Tenants of Arable Farms
in Scotland to protect their Growing
Crops from Injury by Hares and
Rabbits.

(Prepared and brought in by
Sir Alexander Gordon, Sir Robert Anstruther,
Viscount Macduff, and Sir Windham Anstruther.)

*Ordered, by The House of Commons, to be Printed,
12 February 1877.*

[Bill 74.]

Under 1 oz.

A

B I L L

INTITULED

An Act for confirming certain Provisional Orders of the Local A.D. 1877.
Government Board for Ireland relating to the Borough of
Belfast and the City of Dublin.

WHEREAS the Local Government Board for Ireland have, as regards the borough of Belfast and the city of Dublin, made the Provisional Orders set out in the schedule to this Act annexed, under the provisions of the Artizans and Labourers Dwellings
5 Improvement Act, 1875 :

And whereas it is requisite that the said Provisional Orders should be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The said Orders set out in the schedule to this Act annexed shall be and the same are hereby confirmed, and all the provisions of the same respectively shall, from and after the passing of this
15 Act, have full validity and force. Orders in
schedule
confirmed.

2. This Act may be cited as The Local Government Board Short title.
(Ireland) Provisional Orders (Artizans and Labourers Dwellings)
Confirmation Act, 1877.

A.D. 1877.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

BOROUGH OF BELFAST.

Provisional Order for confirming an Improvement Scheme under the Artizans and Labourers Dwellings Improvement Act, 1875.

5

To the Mayor, Aldermen, and Burgesses of the Borough of Belfast, being the Urban Sanitary Authority of that Borough; and to all others whom it may concern.

WHEREAS the Artizans and Labourers Dwellings Improvement Act, 1875, provides for the making of schemes for the improvement of any areas in urban sanitary districts in Ireland containing, according to the last published census for the time being, a population of twenty-five thousand and upwards, which, in the opinion of the local authorities for such districts, are unhealthy areas within the meaning of that Act: and it provides that a local authority, on being satisfied by official representation, made in accordance with the provisions of that Act, of the unhealthiness of any such areas, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect thereof, and shall, after passing such resolution, forthwith proceed to make a scheme accordingly; and the said Act further provides that, in respect of each urban sanitary district, the urban sanitary authority thereof shall be the local authority for the purposes of that Act:

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And whereas the borough of Belfast, in the counties of Antrim and Down, is an urban sanitary district, containing, according to the last published census, a population of twenty-five thousand and upwards, and the mayor, aldermen, and burgesses of the borough, acting by the town council, are the urban sanitary authority of such district:

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And whereas an official representation having been made to the said urban sanitary authority, in accordance with the provisions of the said Act, that the houses in a certain area within the said district are unfit for human habitation, and also that the evils connected with the said houses and the sanitary defects of the said area cannot be effectually remedied otherwise than by an improvement scheme for the rearrangement and reconstruction of the streets and houses within the said area; and the urban sanitary authority, being satisfied of the truth of such representation, and of the sufficiency of their resources, have resolved that the area described in the said representation is an unhealthy area, and that an improvement scheme ought to be made in respect of such area:

30

35

And whereas the said urban sanitary authority, after the passing of the said resolution, made an improvement scheme, accompanied by maps, plans, particulars, and estimates, which scheme is as follows :—

A.D. 1877.

1. This scheme may be cited as "The Belfast Improvement Scheme, 1877:"
- 5 2. In this scheme "the borough" means "the borough of Belfast," "the corporation" means "the mayor, aldermen, and burgesses of the borough," "the town clerk" and "the surveyor" mean respectively "the town clerk and the surveyor of the borough," and "the plan" means the plan which accompanies this scheme :
- 10 3. The unhealthy area included in this scheme is the area delineated and indicated on the plan ; a duplicate of the plan is deposited at the office of the town clerk ; and copies of the plan or any part or parts thereof, certified by the surveyor, shall be received in all courts of justice and elsewhere as evidence of the contents thereof respectively :
- 15 4. For making the scheme efficient for sanitary purposes it is necessary to include therein the lands and buildings required for widening the existing approaches to the area referred to in the consulting sanitary officer's official representation, and otherwise for opening out the same for the purposes of ventilation and health :
- 20 5. This scheme will include the following streets and courts, viz. : Hudson's Entry, Ritchie's Place, Smithfield Court, Smithfield Place, and Hudson's Court, and some houses adjoining and lying between Hudson's Entry, Ritchie's Place, and North Street :
- 25 6. The corporation may enter on, take compulsorily, and deal with, for the purposes of this scheme, all or any of the lands delineated on the plan :
7. The corporation may lay out, form, pave, sewer, and complete, in the lines shown on the plan, a new street extending in a direction generally south-westerly from North Street to Smithfield Square, with such alterations of level, stopping up, widening, or diversion of existing
- 30 streets, and otherwise as are shown on the plans, or as may hereafter be determined by the corporation to be necessary or proper for the purposes of this scheme :
8. In laying out the new street and executing the approaches and communications shown on the plan, the corporation may deviate from the lines shown on the plan to any extent within the limits of deviation marked thereon, and beyond those limits with the consent of the owners, lessees, and occupiers of the lands through which a deviation is made, but not otherwise :
- 35 9. The corporation may from time to time appropriate any parts of the unhealthy area, and also all or any part of the site delineated and indicated on the plan to be acquired for the erection of suitable dwellings for such of the working class as shall be removed from the said area, and may take by agreement such site in fee-farm for that purpose ; and they shall provide either by appropriation of some parts of the unhealthy area, and of such site and ground respectively, and by securing
- 40 the erection of suitable dwellings thereon, or in some other manner, for
- 45

A.D. 1877.

accommodation of at least as many persons of the working class as will be from time to time displaced within the unhealthy area :

10. All dwelling-houses to be erected in accordance with this scheme shall have at least three apartments, and a yard containing not less than one hundred superficial feet attached thereto, and be well and substantially 5 built; and shall be so situated and constructed as to secure efficient ventilation, and shall be furnished with a proper water supply and with proper drainage and other sanitary appliances and apparatus to the satisfaction of the corporation; and the corporation shall enforce the execution and maintenance of all other proper sanitary arrangements 10 within the area and site shown on the plan :
11. The corporation shall as soon as practicable after the passing of an Act authorising this scheme proceed to carry the same into execution, but they may from time to time purchase and deal with parts of the lands within the unhealthy area without being required to purchase and deal 15 with the whole of the lands within that area :
12. The expenses of the execution of this scheme (so far as they are not defrayed out of receipts of the corporation pursuant to the Artizans and Labourers Dwellings Improvement Act, 1875), and the costs, charges, and expenses preliminary to and of and incidental to the 20 preparation of this scheme, and the application for the Order confirming the same, and the obtaining the confirmation by Parliament of such Order, shall be paid by the corporation out of the local rates as defined by the said Act (sec. 21) or out of moneys borrowed in pursuance of the said Act. 25

And whereas, in order to provide for the accommodation in suitable dwellings of as many of the working class as will be displaced by carrying out the said scheme, the urban sanitary authority has by agreement, dated the fifteenth day of February one thousand eight hundred and seventy-seven, between Thomas Andrew Pinkerton, of Oakhampton, in Devonshire, in England, 30 Esquire, of the one part, and the said urban sanitary authority of the other part, agreed to take a fee-farm grant of a piece of land situate on the south side of Ross Street, in the town of Belfast, containing 1 A. 2 R. 31 P. or thereabouts, and which is the site referred to in the said scheme :

And whereas the estimate of expenses which accompanied the said scheme 35 showed as follows:—

	£	
Cost of land and buildings	8,694	
Cost of forming street (flagged footways, pebble carriage way)	680	
Cost of site for artizans dwellings	2,000	
Incidental expenses and contingencies	500	40
	<hr/>	
Gross Total	11,874	
Less value of building ground and capitalised ground rents	3,880	
	<hr/>	
Net cost	7,994	

A.D. 1877.

And whereas the said urban sanitary authority having complied with the provisions contained in section 6 of the above-recited Act, with respect to the publication of an advertisement and the services of notices, presented a petition to the Local Government Board for Ireland, praying that an order might be made confirming the said scheme, which petition was accompanied by a copy of the said scheme, and a statement of the owners or reputed owners and lessees or reputed lessees who had dissented in respect of the taking of their lands, and was supported by such evidence as the Local Government Board for Ireland required:

10 And whereas on consideration of the petition and on proof of the publication of the proper advertisements and the service of the proper notices, the Local Government Board for Ireland thought fit to proceed with the case, and directed a local inquiry to be held in accordance with the provisions of section 6 of the said Act:

15 And whereas upon a local inquiry being directed, an Inspector was sent by the Local Government Board for Ireland to the area to which such inquiry related, for the purpose of making an inquiry into the correctness of the official representation made to the said urban sanitary authority as to such area being an unhealthy area, and into the sufficiency of the scheme provided for its improvement, and into any local objections to such scheme:

20 And whereas before commencing such inquiry, the Inspector made public by advertisement his intention to make such inquiry, and stated the time and place at which he would be prepared to hear all persons desirous of being heard upon the subject thereof, in accordance with the provisions of section 17 of the above-recited Act:

25 And whereas a report has been made upon such inquiry, and has been received by the Local Government Board for Ireland:

Now therefore, We, the Local Government Board for Ireland, in pursuance of the powers given by the Statutes in that behalf, do hereby confirm the improvement scheme made by the urban sanitary authority of the borough of Belfast as aforesaid, and do hereby declare the limits of the area to which the said scheme relates to be as follows, viz:--

35 The area situated in the townland of Townparks, parish of Shankill, borough of Belfast, and county of Antrim, indicated and delineated on the plan accompanying the said scheme, and coloured green and blue on said plan, duplicates of which plan have been deposited at the office of the Local Government Board for Ireland in Dublin, and in the office of the town clerk of the borough of Belfast in Belfast:

40 And we do hereby authorise such scheme to be carried into execution as soon as this Order shall have been confirmed by Act of Parliament.

Given under our hands and seal of office, this eleventh day of May 1877.

(Signed) A. POWER.
R. M. BELLEW.
CHARLES CROKER-KING.

A.D. 1877.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

CITY OF DUBLIN.

Provisional Order for confirming an Improvement Scheme under the Artizans and Labourers Dwellings Improvement Act, 1875.

To the Lord Mayor, Aldermen, and Burgesses of the City of Dublin, in the 5
County of Dublin, being the Urban Sanitary Authority for that City;
and to all whom it may concern.

WHEREAS the Artizans and Labourers Dwellings Improvement Act, 1875, provides for the making of schemes for the improvement of any areas in urban sanitary districts in Ireland containing, according to the last published census for the time being, a population of twenty-five thousand and upwards, which, 10
in the opinion of the local authorities for such districts, are unhealthy areas within the meaning of that Act; and it provides that a local authority, on being satisfied by official representation, made in accordance with the provisions of that Act, of the unhealthiness of any such area, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme 15
ought to be made in respect thereof, and shall, after passing such a resolution, forthwith proceed to make a scheme accordingly; and the said Act further provides that, in respect of each urban sanitary district, the urban sanitary authority thereof shall be the local authority for the purposes of that Act :

And whereas the city of Dublin, in the county of Dublin, is an urban sanitary district, containing, according to the last published census, a population of twenty-five thousand and upwards, and the lord mayor, aldermen, and burgesses, acting by the council, are the urban sanitary authority of such district : 20

And whereas official representations having been made to the said urban sanitary authority, in accordance with the provisions of the said Act, that, 25
amongst others, certain areas in the scheme therein-after mentioned called Area No. 1 Coombe, and Area No. 2 Boyne Street, are unfit for human habitation, and that the evils connected with such unhealthy areas and the sanitary defects in such areas cannot be effectually remedied otherwise than by an improvement scheme for the rearrangement and reconstruction of the streets and houses 30
within the said areas, or of some of such streets and houses; and the urban sanitary authority, being satisfied of the truth of such representations, and of the sufficiency of their resources, have resolved that the areas described in the said representations are unhealthy areas, and that an improvement scheme ought to be made in respect of such areas : 35

And whereas the said urban sanitary authority, after the passing of the said resolution, made an improvement scheme, in pursuance of the said Acts, accompanied by estimates, maps, plans, and particulars :

And whereas the estimate of expense accompanying the said scheme is as A.D. 1877.
follows :—

	Estimate of expense of the purchase of the Coombe	
	Area, No. 1 - - - - -	£18,386 5 0
5	Estimate of expense of the purchase of the Boyne	
	Area, No. 2 - - - - -	12,421 0 0
	And whereas the contingent expenses have been esti-	
	mated to be - - - - -	5,971 5 0
	Making the total estimate of expense - - -	£36,778 10 0

10 And whereas a schedule was appended to the said scheme which showed the names of the owners or reputed owners and the lessees or reputed lessees who have dissented in respect of taking their lands :

And whereas the said urban sanitary authority, having complied with the provisions contained in section 6 of the above recited Act, with respect to the
15 publication of advertisements and the service of notices, presented a petition to the Local Government Board for Ireland, who are in that Act referred to as the confirming authority, praying that an Order might be made authorising such scheme, or any part thereof, to be carried into execution, and declaring the limits of the area to which the same relates, which petition was accompanied
20 by a copy of the said scheme and a statement of the owners or reputed owners and lessees or reputed lessees who had dissented in respect of the taking of their lands, and was supported by such evidence as the Local Government Board for Ireland required :

And whereas, on consideration of the petition, and on proof of the publication
25 of the proper advertisements and the service of the proper notices, the Local Government Board for Ireland thought fit to proceed with the case, and directed a local inquiry to be held in accordance with the provisions of section 6 of the said Act :

And whereas upon a local inquiry being directed, an inspector of the said
30 Board was sent by them to the areas to which such inquiry related, for the purpose of making an inquiry into the correctness of the official representations made to the said urban sanitary authority as to such areas being unhealthy areas, and into the sufficiency of the scheme provided for their improvement, and into any local objections to such scheme :

35 And whereas before commencing such inquiry the inspector made public by advertisement his intention to make such inquiry, and stated the time and place at which he would be prepared to hear all persons desirous of being heard upon the subject thereof, in accordance with the provisions of section 17 of the above-recited Act :

40 And whereas report has been made upon such inquiry, and has been received by the Local Government Board for Ireland :

And whereas, on receiving the said report, and on considering the same and the evidence taken by the said inspector, it was considered by the Local Government Board for Ireland that the said scheme should be modified in

A.D. 1877. — certain particulars, but such modification in no respect alters the estimated expense of the scheme, nor makes any addition to the lands in the scheme proposed to be taken compulsorily:

And whereas the said scheme so modified is as follows:—

Scheme made by the lord mayor, aldermen, and burgesses of the city of 5
Dublin, being the urban sanitary authority acting as the local authority under
the Artizans and Labourers Dwellings Improvement Act, 1875, for the im-
provement of two unhealthy areas within the said city, as modified by the
Local Government Board for Ireland.

1. The scheme may be cited as "The Dublin Improvement Scheme, 1877." 10
2. In this scheme "the city" means "the city of Dublin," "the Corporation" 15
means "the lord mayor, aldermen, and burgesses of the city," "the town
clerk" and "the city engineer and surveyor" mean respectively "the
town clerk and the city engineer and surveyor of the city," and "the
plans" mean the plans which accompany this scheme:
3. The unhealthy areas included in this scheme are the areas delineated and
indicated on the plans; duplicates of the plans are deposited at the
office of the town clerk; and copies of the plans or any part or parts
thereof, certified by the engineer and surveyor, shall be received in all
courts of justice or elsewhere as evidence of the contents thereof re- 20
spectively:
4. For making the scheme efficient for sanitary purposes, it is necessary to
include therein the lands and buildings delineated on the plans in addi-
tion to those areas referred to in the consulting sanitary officer's repre-
sentation, and otherwise for opening out the same for the purposes of 25
ventilation and health:
5. The scheme will include the following streets and courts, viz.:

Area No. 1.

The entire district bounded on the south by the Upper Coombe, on the
west by Pimlico, on the north by Cole Alley, and on the east by 30
Meath Street, including all houses and lands therein, as delineated
on the plan.

Area No. 2.

Nos. 33 to 47, Denzille Street, inclusive, both sides of Bass Place,
Stable Lane, Back Lane, Merrion Market, Nos. 30 to 37, Sand- 35
with Street, inclusive, and Nos. 24 to 33, Boyne Street, inclusive,
as delineated on the plan.

6. The Corporation may enter on, take compulsorily, and deal with, for the
purposes of this scheme, all or any of the land delineated on the plans:
7. The Corporation may lay out, form, pave, sewer, and complete such new 40
streets, with such alterations of level, stopping up, widening, or diversion
of existing streets, or otherwise, within the areas No. 1 and No. 2, as
they may hereafter determine to be necessary and proper for the
purposes of this scheme:

A.D. 1877.

8. The Corporation may from time to time appropriate any parts of the unhealthy areas, and also all or any parts of the sites delineated and indicated on the plans, to be acquired for the erection of suitable dwellings for such of the working classes as shall be removed from the said areas, and may take by agreement such sites in fee-farm for that purpose; and they shall provide, either by appropriation of some parts of the unhealthy areas, and of such sites or grounds respectively, and by securing the erection of suitable dwellings thereon, or in some other manner, for the accommodation of at least as many persons of the working class as will be from time to time displaced within the unhealthy areas :
9. All dwelling-houses to be erected in accordance with this scheme shall be well and substantially built; and shall be so situated and constructed as to secure efficient ventilation, and shall be furnished with a proper water supply, and with proper drainage and other sanitary appliances and apparatus to the satisfaction of the Corporation; and the Corporation shall enforce the execution and maintenance of all proper sanitary arrangements within the area and site shown on the maps :
10. The Corporation shall, as soon as practicable after the passing of the Act authorising this scheme, proceed to carry the same into execution, but they may from time to time purchase and deal with part of the lands within the areas delineated without being required to purchase and deal with the whole of the lands within those areas :
11. The expenses of the execution of this scheme (so far as they are not defrayed out of receipts of the Corporation, pursuant to the Artizans and Labourers Dwellings Improvement Act, 1875), and the costs, charges, and expenses preliminary to and of and incidental to the preparation of this scheme, and the application for the Order confirming the same, and the obtaining the confirmation by Parliament of such Order, shall be paid by the Corporation out of the local rates as defined by the said Act (sec. 21) or out of moneys borrowed in pursuance of the said Act :

Now therefore, we, the Local Government Board for Ireland, in pursuance of the powers given by the statutes in that behalf, do hereby confirm the said scheme made by the urban sanitary authority of the city of Dublin, and modified by us, the Local Government Board for Ireland, as aforesaid :

And we do hereby declare the limits of the areas to which the said scheme, modified as aforesaid, relates to be as follows, viz. :—

Area No. 1.

The entire district bounded on the south by the Upper Coombe, on the west by Pimlico, on the north by Cole Alley, and on the east by Meath Street, including all the houses and lands thereon, situate in the parish of St. Catherine and city of Dublin :

Area No. 2.

Nos. 33 to 47, Denzille Street, inclusive, both sides of Bass Place, Stable Lane, Back Lane, Merriion Market, Nos. 30 to 37, Sandwith

[201.]

A 5

A.D. 1877.

Street, inclusive, and Nos. 24 to 33, Boyne Street, inclusive, situate in the parish of St. Mark, and city of Dublin :

Which said areas, Number 1 and Number 2, are delineated and described in the maps annexed to this Order, and also in the said plans and book of reference thereto, duplicates whereof have been deposited in the office of the Local Government Board for Ireland, and at the office of the town clerk of the city of Dublin, in the said city of Dublin :

And we do hereby authorise the said scheme, modified as aforesaid, to be carried into execution as soon as this Order shall have been confirmed by Act of Parliament.

Given under our hands and seal of office, this sixteenth day of May 1877.

(Signed) A. POWER.
 CHARLES CROKER-KING.

**Provisional Orders
 (Ireland) Confirmation
 (Artizans and Labourers
 Dwellings). [H.L.]**

A

B I L L

INTITULED

An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to the Borough of Belfast and the City of Dublin.

(Brought from the Lords 18 June 1877.)

*Ordered, by The House of Commons, to be Printed,
 18 June 1877.*

[Bill 201.]

Under 2 oz.

A

B I L L

INTITULED

An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Towns of Ennis, Limavady, and Strabane. A.D. 1877.

WHEREAS the Local Government Board for Ireland, acting under the provisions of the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) Act, 1872, and of the Public Health (Ireland) Act, 1874, have made in
5 relation to the towns of Ennis, Limavady, and Strabane respectively the Provisional Orders set out in the schedule to this Act annexed :

And whereas a Provisional Order made under the authority of the said Acts is not of any validity or force whatever until confirmed by Parliament, and it is expedient that the said Provisional
10 Orders should be so confirmed :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

15 1. The said Orders set out in the schedule to this Act annexed shall be and the same are hereby confirmed, and all the provisions of the same respectively shall, from and after the passing of this Act, have full validity and force. Orders in schedule confirmed.

2. This Act may be cited as The Local Government Board
20 (Ireland) Provisional Orders (Ennis, &c.) Confirmation Act, 1877. Short title.

A.D. 1877.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

ENNIS WATERWORKS.

Provisional Order.

WHEREAS the Town Commissioners of the town of Ennis, in the county 5
of Clare, appointed and acting under "The Towns Improvement (Ireland)
Act, 1854," are the urban sanitary authority of the urban sanitary district
consisting of the said town of Ennis, and as such urban sanitary authority have
the power of supplying water within the said district conferred by "The
Sanitary Act, 1866," and "The Public Health (Ireland) Act, 1874," but are 10
not authorised to purchase or take lands or other premises otherwise than by
agreement:

37 & 38 Vict.
c. 93. s. 3.
29 & 30 Vict.
c. 70. s. 11.
37 & 38 Vict.
c. 93. ss. 27 &
28.

And whereas the said urban sanitary authority, being about to construct
certain waterworks for the purpose of providing a supply of water for the said
district, have deposited in the office of the clerk of the peace of the county 15
Clare, and at the office of the Local Government Board for Ireland, at Dublin,
plans and sections (herein-after referred to as the deposited plans and sections),
and a book of reference thereto, showing the works intended to be executed, and
the lands, easements, and water rights and premises required to be taken for the
purposes of the said works, and have presented a petition to the Local Govern- 20
ment Board for Ireland, in pursuance of the provisions of "The Local Govern-
ment (Ireland) Act, 1871," "The Local Government Board (Ireland) Act,
1872," and "The Public Health (Ireland) Act, 1874," seeking to be em-
powered to put in force the provisions of "The Lands Clauses Acts" in
respect to the purchase and taking of lands otherwise than by agreement, in 25
reference to the said lands, easements, water-rights, and premises:

34 & 35 Vict.
c. 119. s. 4.
35 & 36 Vict.
c. 69.
37 & 38 Vict.
c. 93. ss. 27 &
28.

And whereas all advertisements and notices required by the said Acts having
been duly published and given, the Local Government Board for Ireland has
caused an inquiry to be held in the said district as to the genuineness of the
said petition, and the propriety of assenting to the prayer thereof; and it appears 30
to the Local Government Board for Ireland that the prayer of the said petition
should be assented to:

It is ordered by the Local Government Board for Ireland as follows:

Compulsory
powers to take
land.

1. From and after the time when this Order shall be confirmed by Act of
Parliament, the Town Commissioners of Ennis shall be and hereby are 35
empowered to put in force the provisions of "The Lands Clauses Acts"
with respect to the purchase and taking of lands otherwise than by
agreement, in reference to the lands, easements, water rights, and

premises described in the said deposited plans and sections, and referred to in the said book of reference, and also in reference to every easement, privilege, right, and authority over the said premises, or over any of them, required for the purposes of the said waterworks :

A.D. 1877.

5 2. In this Order the expression "Lands Clauses Acts" means "The Lands Clauses Consolidation Act, 1845," as the same is amended by "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," "The Railways Traverse Act,"

Definition of Lands Clauses Acts.

10 and "The Public Health (Ireland) Act, 1874 :"
3. The powers hereby granted for the compulsory purchase of lands and other premises shall not be exercised after three years from the confirmation of this Order by Act of Parliament :

Limit of time within which compulsory powers should be exercised.

15 4. This Order may be cited and referred to for all purposes as "The Ennis Waterworks Provisional Order, 1877."

Short title.

Given under our hands and seal of office, this twelfth day of May 1877.

(Signed) A. POWER.

CHARLES CROKER-KING.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

20

LIMAVADY WATERWORKS.

Provisional Order.

WHEREAS the Guardians of the Poor of the Limavady Union are the sanitary authority of the rural sanitary district, consisting of the Limavady Poor Law Union, including the town of Limavady, in the county of Londonderry, and as such sanitary authority have the power of supplying water within the said district, conferred by "The Sanitary Act, 1866," and "The Public Health (Ireland) Act, 1874," but are not authorised to purchase or take lands or other premises otherwise than by agreement :

87 & 38 Vict.
c. 93. s. 3.

25 And whereas the said sanitary authority, being about to construct waterworks for the purpose of providing a supply of water for the said town of Limavady, have deposited in the office of the clerk of the peace of the county of Londonderry, and at the office of the Local Government Board for Ireland, plans and sections (herein-after referred to as the deposited plans and sections), and a book of reference thereto, showing the works intended to be executed, and the lands, easements, water rights, and premises required to be taken for the purposes of the said works, and have presented a petition to the Local Government Board for Ireland, in pursuance of the provisions of "The Local Government (Ireland) Act, 1871," "The Local Government Board (Ireland) Act, 1872," and "The Public Health (Ireland) Act, 1874," seeking to be empowered to put in force the provisions of "The Lands Clauses Acts" in respect to the purchase and taking of lands otherwise than by agreement, in reference to the said lands, easements, water rights, and premises :

29 & 30 Vict.
c. 90. s. 11.

38 & 39 Vict.
c. 93. ss. 27 & 28.

30 for the purpose of providing a supply of water for the said town of Limavady, have deposited in the office of the clerk of the peace of the county of Londonderry, and at the office of the Local Government Board for Ireland, plans and sections (herein-after referred to as the deposited plans and sections), and a book of reference thereto, showing the works intended to be executed, and the lands, easements, water rights, and premises required to be taken for the purposes of the said works, and have presented a petition to the Local Government Board for Ireland, in pursuance of the provisions of "The Local Government (Ireland) Act, 1871," "The Local Government Board (Ireland) Act, 1872," and "The Public Health (Ireland) Act, 1874," seeking to be empowered to put in force the provisions of "The Lands Clauses Acts" in respect to the purchase and taking of lands otherwise than by agreement, in reference to the said lands, easements, water rights, and premises :

34 & 35 Vict.
c. 109. s. 4.

35 & 36 Vict.
c. 69.

37 & 38 Vict.
c. 93. ss. 27 & 28.

[202.]

A 2

A.D. 1877. And whereas all advertisements and notices required by the said Acts having been duly published and given, the Local Government Board for Ireland have caused an inquiry to be held in the said district as to the genuineness of the said petition, and the propriety of assenting to the prayer thereof; and it appears to the Local Government Board for Ireland that 5 the prayer of the said petition should be assented to:

It is ordered by the Local Government Board for Ireland as follows:

Compulsory
powers to take
land.

1. From and after the time when this Order shall be confirmed by Act of Parliament, the Guardians of the Poor of the Limavady Union, as the rural sanitary authority aforesaid, shall be empowered to put in 10 force the provisions of "The Lands Clauses Acts" with respect to the purchase and taking of lands otherwise than by agreement, in reference to the lands, easements, water rights, and premises described in the said deposited plans and sections, and referred to in the said book of reference, and also in reference to every easement, privilege, 15 right, and authority over the said premises, or over any of them, required for the purposes of the said waterworks:

Definition of
Lands Clauses
Acts.

2. In this Order the expression "Lands Clauses Acts" means "The Lands Clauses Consolidation Act, 1845," as the same is amended by "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The 20 Railways Act (Ireland) 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," "The Railways Traverse Act," and "The Public Health (Ireland) Act, 1874:":

Limit of time
within which
compulsory
powers should
be exercised.

3. The powers hereby granted for the compulsory purchase of lands and other premises shall not be exercised after three years from the confir- 25 mation of this Order by Act of Parliament:

Short title.

4. This Order may be cited and referred to for all purposes as "The Limavady Waterworks Provisional Order, 1877."

Given under our hands and seal of office, this fourteenth day of May 1877.

(Signed) A. POWER. 30
R. M. BELLEW.
CHARLES CROKER-KING.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

STRABANE WATERWORKS.

Provisional Order.

35

37 & 38 Vict.
c. 93. s. 3.

29 & 30 Vict.
c. 90. s. 11.

37 & 38 Vict.
c. 93. ss. 27 &
28.

WHEREAS the Guardians of the Poor of the Strabane Union are the sanitary authority of the rural sanitary district consisting of the Strabane Poor Law Union, and comprising the town of Strabane, in the county of Tyrone, and as such sanitary authority have the powers of supplying water within the said district conferred by "The Sanitary Act, 1866," and "The Public Health 40 (Ireland) Act, 1874," but are not authorised to purchase or take lands or other premises otherwise than by agreement:

And whereas the said rural sanitary authority being about to construct certain waterworks for the purpose of providing a supply of water for the said

town of Strabane, and certain places closely adjoining the said town, have deposited in the office of the clerk of the union at the Strabane Workhouse, and in the office of the clerk of the peace of the county Tyrone, and at the office of the Local Government Board for Ireland, at Dublin, plans and

A.D. 1877.

5 sections (herein-after referred to as the deposited plans and sections), and a book of reference thereto, showing the works intended to be executed, and the lands, easements, water rights, and premises required to be taken for the purposes of said works, and have presented a petition to the Local Government Board for Ireland, in pursuance of the provisions of "The Local Government

10 (Ireland) Act, 1871," "The Local Government Board (Ireland) Act, 1872," and "The Public Health (Ireland) Act, 1874," seeking to be empowered to put in force the provisions of "The Lands Clauses Acts" in respect to the purchase and taking of lands otherwise than by agreement, in reference to the said lands, easements, waters, water rights, and premises :

34 & 35 Vict.
c. 109. s. 4.

35 & 36 Vict.
c. 69.

37 & 38 Vict.
c. 93. ss. 27 & 28.

15 And whereas all advertisements and notices required by the said Acts having been duly published and given, the Local Government Board for Ireland have caused an inquiry to be held in the said district as to the genuineness of the said petition, and the propriety of assenting to the prayer thereof; and it appears to the Local Government Board for Ireland that the prayer of the said

20 petition should be assented to :

It is ordered by the Local Government Board for Ireland as follows :

1. From and after the time when this Order shall be confirmed by Act of Parliament, the Guardians of the Poor of the Strabane Union, as such rural sanitary authority, shall be empowered to put in force the provisions of "The Lands Clauses Acts" with respect to the purchase and taking of lands otherwise than by agreement, in reference to the lands, easements, waters, water rights, and premises described in the said deposited plans and sections, and referred to in the said book of reference, and also in reference to every easement, privilege, right, and authority over the said premises, or over any of them, required for the purposes of the said waterworks :

Compulsory powers to take lands.

2. In this Order the expression "Lands Clauses Acts" means "The Lands Clauses Consolidation Act, 1845," as the same is amended by "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," "The Railways Traverse Act," and "The Public Health (Ireland) Act, 1874."

Definition of Lands Clauses Acts.

3. The powers hereby granted for the compulsory purchase of lands and other premises shall not be exercised after three years from the confirmation of this Order by Act of Parliament :

Limit of time within which compulsory powers should be exercised.

4. This Order may be cited and referred to for all purposes as "The Strabane Waterworks Provisional Order, 1877."

Short title.

Given under our hands and seal of office, this eighteenth day of May 1877.

(Signed) A. POWER.

R. M. BELLEW.

CHARLES CROKER-KING.

A

B I L L

INTRODUCED

An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Towns of Ennis, Limerick, and Strabane.

(*Brought from the Lords, 18 June 1877.*)

*Ordered, by The House of Commons, to be Printed,
18 June 1877.*

[Bill 202.]
Under 1 oz.

A

B I L L

INTITULED

An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Towns of Holywood and Greystones. A.D. 1877.

WHEREAS the Local Government Board for Ireland, acting under the provisions of the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) Act, 1872, and of the Public Health (Ireland) Act, 1874, have made in relation to the town and district of Holywood, and in relation to the town and neighbourhood of Greystones, respectively, the Provisional Orders set out in the schedule to this Act annexed :

And whereas a Provisional Order made under the authority of the said Acts is not of any validity or force whatever until confirmed by Parliament, and it is expedient that the said Provisional Orders should be so confirmed :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The said Orders set out in the schedule to this Act annexed shall be and the same are hereby confirmed, and all the provisions of the same respectively shall, from and after the passing of this Act, have full validity and force. Orders in schedule confirmed.

2. This Act may be cited as The Local Government Board (Ireland) Provisional Orders (Holywood, &c.) Confirmation Act, 1877. Short title.

A.D. 1877.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

HOLYWOOD WATERWORKS.

Provisional Order.

37 & 38 Vict.
c. 93. s. 4.

WHEREAS the Guardians of the Poor of the Belfast Union are the 5
Sanitary Authority of the Rural Sanitary District, including the town and district
of Holywood, in the county of Down, and, as such Sanitary Authority, have
the powers of supplying water, conferred by "The Sanitary Act, 1866," and
"The Public Health (Ireland) Act, 1874," but are not authorised to purchase
or take lands otherwise than by agreement : 10

29 & 30 Vict.
c. 90. s. 11.
37 & 38 Vict.
c. 93. ss. 27 &
28.

And whereas the said Sanitary Authority being about to construct waterworks
for the purpose of providing a supply of water for the said town and district of
Holywood, have deposited, for public inspection, at the Belfast Workhouse,
and in the Town Hall of Holywood, plans of the proposed works (herein-after
referred to as the deposited plans) showing the lands, water rights, and premises 15
intended to be taken for the purposes of the said waterworks, and have de-
posited at the said workhouse and Town Hall copies of the Petition herein-after
mentioned, with the Schedules annexed thereto, referring to the said plans,
and showing in the first Schedule the lands, water rights, and premises intended
to be taken immediately for the purposes of the said works, and in the second 20
Schedule certain additional lands and premises which may hereafter be required
for the purpose of extending the said works :

34 & 35 Vict.
c. 109. s. 4.
35 & 36 Vict.
c. 69.
37 & 38 Vict.
c. 93. ss. 27 &
28.

And whereas the said Sanitary Authority have presented a Petition to the
Local Government Board for Ireland, in pursuance of the provisions of "The
Local Government (Ireland) Act, 1871," "The Local Government Board 25
(Ireland) Act, 1872," and "The Public Health (Ireland) Act, 1874," seeking
to be empowered to put in force the powers of "The Lands Clauses Acts"
in respect to the purchase and taking of lands otherwise than by agreement,
with reference to the lands, water rights, and premises therein and herein-
after particularly mentioned; and have lodged at the office of the Local Govern- 30
ment Board for Ireland in Dublin a duplicate of the said deposited plans :

And whereas all advertisements and notices required by the said Acts having
been previously duly published, served, and given, the Local Government
Board for Ireland have caused an inquiry to be held in the said district as to
the propriety of assenting to the prayer of the said Petition, and it appears to the 35
Local Government Board for Ireland that the powers sought by the said

Sanitary Authority should be granted in respect to the lands, rights, and premises referred to in the said first Schedule, but not as to those referred to in the said second Schedule : A.D. 1877.

It is ordered as follows :

- 5 1. From and after the time when this Order shall have been confirmed by Act of Parliament, the Guardians of the Poor of the Belfast Union shall, for the purpose of providing a supply of water for the said town and district of Holywood, be empowered to put in force the provisions of "The Lands Clauses Acts," with respect to the taking of lands
10 otherwise than by agreement, in reference to the lands, lands covered with water, water rights, easements, and all other rights described in the said deposited plans, and in the first Schedule to the said Petition, and also in reference to the taking, diverting, and using the water of the Holywood Moss Stream, the Ballykeel Stream, and the tributaries
15 of the Ballykeel Stream, in respect of all springs and streams within the lands described in the said deposited plans, and required for the purposes of the said works about to be constructed as aforesaid, and for providing a supply of water in the manner described by the said plans, and also in respect of all easements and right of constructing, laying,
20 and maintaining pipes and other appliances required for such works, and for such supply of water, and described in the said plans, and referred to in the said first Schedule :
- 25 2. In this Order the term "Lands Clauses Acts" means and includes "The Lands Clauses Consolidation Act, 1845," as the same is amended by "The Lands Clauses Consolidation Acts Amendment Act, 1860,"
"The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," "The Railways Traverse Act," and "The Public Health (Ireland) Act, 1874:"
- 30 3. This Order may be referred to for all purposes as "The Holywood Waterworks Provisional Order, 1877."

Compulsory powers to take lands, &c.

Definition of the term Land Clauses Acts.

Short title of Order.

Given under our hands and seal of office, this second day of March 1877.

(Signed) A. POWER.
R. M. BELLEW.
CHARLES CROKER-KING.

35

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

GREYSTONES WATERWORKS.

Provisional Order.

WHEREAS the Guardians of the Poor of the Rathdown Union, being the Sanitary Authority of the Rural Sanitary District, consisting of the Rathdown
40 Poor Law Union, including the town and neighbourhood of Greystones, in the county of Wicklow, have the power of supplying water within the said district, conferred by "The Sanitary Act, 1866," and "The Public Health (Ireland)

37 & 38 Vict. c. 93. s. 4.

29 & 30 Vict. c. 90. s. 11.

37 & 38 Vict. c. 93. ss. 27 & 28.

[192.]

A 2

A.D. 1877. Act, 1874," but are not authorised to purchase or take lands or other premises otherwise than by agreement :

And whereas the said Sanitary Authority being about to construct certain waterworks for the purpose of providing a supply of water for the said town of Greystones and its neighbourhood, have deposited at the office of the Local Government Board for Ireland, in Dublin, plans and sections (herein-after referred to as the deposited plans and sections) and a book of reference thereto, showing the works intended to be executed, and the lands, easements, water rights, and premises required for the said works, and have presented a Petition to the Local Government Board for Ireland, in pursuance of the provisions of " The Local Government (Ireland) Act, 1871," " The Local Government Board (Ireland) Act, 1872," and " The Public Health (Ireland) Act, 1874," seeking to be empowered to put in force the provisions of " The Lands Clauses Acts " in respect to the purchase and taking of lands otherwise than by agreement, in reference to the said lands, easements, water rights, and premises :

And whereas all advertisements and notices required by the said Acts having been duly published, served, and given, the Local Government Board for Ireland has caused an inquiry to be held in the said district as to the genuineness of the said Petition, and the propriety of assenting to the prayer thereof, and it appears to the said Board that the prayer of the said Petition should be assented to :

It is ordered by the Local Government Board for Ireland as follows :

1. From and after the time when this Order shall be confirmed by Act of Parliament, the Guardians of the Poor of the Rathdown Union shall be and hereby are empowered to put in force the provisions of " The Lands Clauses Acts," with respect to the purchase and taking of lands otherwise than by agreement, in reference to the lands, easements, water rights, and premises described in the said deposited plans and sections, and referred to in the said book of reference, and also in reference to all easements, privileges, rights, and authorities over the said premises required for the purposes of the said works :
2. In this Order the expression " Lands Clauses Acts " means " The Lands Clauses Consolidation Act, 1845," as the same is amended by " The Lands Clauses Consolidation Acts Amendment Act, 1860," " The Railways Act (Ireland) 1851," " The Railways Act (Ireland), 1864," " The Railway Traverse Act," and " The Public Health (Ireland) Act, 1874 :"
3. The powers hereby granted for the compulsory purchase of lands and other property shall not be exercised after the expiration of three years from the time when this Order shall be confirmed by Act of Parliament :
4. This Order may be cited and referred to for all purposes as " The Greystones Waterworks Provisional Order, 1877."

Given under our hands and seal of Office, this eighteenth day of April, 1877.

(Signed) A. POWER.
CHARLES CROKER-KING.

34 & 35 Vict.
c. 109. s. 4.
35 & 36 Vict.
c. 69.
37 & 38 Vict.
c. 93. ss. 27 &
28.

Compulsory
powers to take
land, &c.

Definition of
Lands Clauses
Acts.

Time within
which compul-
sory powers
may be exer-
cised.

Short title.

Provisional Orders
(Ireland) Confirmation
(Holywood, &c.) [H.L.]

A

B I L L

INTRODUCED

An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Towns of Holywood and Greystones.

(*Brought from the Lords 8 June 1877.*)

*Ordered, by The House of Commons, to be Printed,
8 June 1877.*

[Bill 192.]

Under 1 oz.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

INTITLED

An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Towns of Holywood and Greystones. A.D. 1877.

WHEREAS the Local Government Board for Ireland, acting under the provisions of the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) Act, 1872, and of the Public Health (Ireland) Act, 1874, have made in relation to the town and district of Holywood, and in relation to the town and neighbourhood of Greystones, respectively, the Provisional Orders set out in the schedule to this Act annexed :

And whereas a Provisional Order made under the authority of the said Acts is not of any validity or force whatever until confirmed by Parliament, and it is expedient that the said Provisional Orders should be so confirmed :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Subject to the provisions of this Act with reference to the Greystones Waterworks Provisional Order, 1877, the said Orders set out in the schedule to this Act annexed shall be and the same are hereby confirmed, and all the provisions of the same respectively shall, subject as before provided, from and after the passing of this Act, have full validity and force. Orders in schedule confirmed.

2. For the purpose of any rate to be made or levied for the purpose of the Greystones Waterworks Provisional Order, 1877, in the schedule to this Act annexed, or for providing a supply of water to the town of Greystones, under the Sanitary Act, 1866, or the Public Health (Ireland) Act, 1874, or otherwise howsoever, all lands used as or for the purposes of a railway constructed under the powers of any Act of Parliament for public conveyance shall be charged, assessed, and liable in the proportion of one fourth part only of the net annual value of such lands respectively. Rating of railways.

3. This Act may be cited as The Local Government Board (Ireland) Provisional Orders (Holywood, &c.) Confirmation Act, 1877. Short title.

[Bill 225.]

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HOLYWOOD WATERWORKS.

29 & 30 Vict.
c. 90. s. 11.
37 & 38 Vict.
c. 93. ss. 27 &
28.

10

15

37 & 38 Vict.
c. 93. ss. 27 &
28.

25

35

[40 & 41 VICT.] *Provisional Orders (Ireland) Confirmation* 3
(*Holywood, &c.*)

Sanitary Authority should be granted in respect to the lands, rights, and premises referred to in the said first Schedule, but not as to those referred to in the said second Schedule : A.D. 1877.

It is ordered as follows :

- 5 1. From and after the time when this Order shall have been confirmed by Act of Parliament, the Guardians of the Poor of the Belfast Union shall, for the purpose of providing a supply of water for the said town and district of Holywood, be empowered to put in force the provisions of "The Lands Clauses Acts," with respect to the taking of lands otherwise than by agreement, in reference to the lands, lands covered with water, water rights, easements, and all other rights described in the said deposited plans, and in the first Schedule to the said Petition, and also in reference to the taking, diverting, and using the water of the Holywood Moss Stream, the Ballykeel Stream, and the tributaries of the Ballykeel Stream, in respect of all springs and streams within the lands described in the said deposited plans, and required for the purposes of the said works about to be constructed as aforesaid, and for providing a supply of water in the manner described by the said plans, and also in respect of all easements and right of constructing, laying, and maintaining pipes and other appliances required for such works, and for such supply of water, and described in the said plans, and referred to in the said first Schedule :
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15
20
2. In this Order the term "Lands Clauses Acts" means and includes "The Lands Clauses Consolidation Act, 1845," as the same is amended by "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," "The Railways Traverse Act," and "The Public Health (Ireland) Act, 1874:"
25
3. This Order may be referred to for all purposes as "The Holywood Waterworks Provisional Order, 1877."
30

Compulsory powers to take lands, &c.

Definition of the term Land Clauses Acts.

Short title of Order.

Given under our hands and seal of office, this second day of March 1877.

(Signed) A. POWER.
R. M. BELLEW.
CHARLES CROKER-KING.

35 THE LOCAL GOVERNMENT BOARD FOR IRELAND.
GREYSTONES WATERWORKS.

Provisional Order.

- WHEREAS the Guardians of the Poor of the Rathdown Union, being the Sanitary Authority of the Rural Sanitary District, consisting of the Rathdown Poor Law Union, including the town and neighbourhood of Greystones, in the county of Wicklow, have the power of supplying water within the said district, conferred by "The Sanitary Act, 1866," and "The Public Health (Ireland) [225.] A 2

37 & 38 Vict. c. 93. s. 4.

29 & 30 Vict. c. 90. s. 11.
37 & 38 Vict. c. 93. ss. 27 & 28.

4 *Provisional Orders (Ireland) Confirmation* [40 & 41 VICT.]
(*Hollywood, &c.*)

A.D. 1877. Act, 1874, but are not authorised to purchase or take lands or other premises otherwise than by agreement :

34 & 35 Vict.
c. 109. s. 4.
35 & 36 Vict.
c. 69.
37 & 38 Vict.
c. 93. ss. 27 &
28.

And whereas all advertisements and notices required by the said Acts having been duly published, served, and given, the Local Government Board for Ireland has caused an inquiry to be held in the said district as to the genuineness of the said Petition, and the propriety of assenting to the prayer thereof, and it appears to the said Board that the prayer of the said Petition should be assented to: 20

It is ordered by the Local Government Board for Ireland as follows:

Compulsory powers to take land, &c.

1. From and after the time when this Order shall be confirmed by Act of Parliament, the Guardians of the Poor of the Rathdown Union shall be and hereby are empowered to put in force the provisions of "The Lands Clauses Acts," with respect to the purchase and taking of lands otherwise than by agreement, in reference to the lands, easements, water rights, and premises described in the said deposited plans and sections, and referred to in the said book of reference, and also in reference to all easements, privileges, rights, and authorities over the said premises required for the purposes of the said works :

Definition of Lands Clauses Acts.

2. In this Order the expression "Lands Clauses Acts" means "The Lands Clauses Consolidation Act, 1845," as the same is amended by "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Act (Ireland) 1851," "The Railways Act (Ireland), 1864," "The Railway Traverse Act," and "The Public Health (Ireland) Act, 1874:" 35

Time within which compulsory powers may be exercised.

3. The powers hereby granted for the compulsory purchase of lands and other property shall not be exercised after the expiration of three years from the time when this Order shall be confirmed by Act of Parliament :

Short title.

4. This Order may be cited and referred to for all purposes as "The Greystones Waterworks Provisional Order, 1877."

Given under our hands and seal of Office, this eighteenth day of April,
1877.

(Signed) A. POWER.
CHARLES CROKER-KING.

Provisional Orders
(Ireland) Confirmation
(Holywood, &c.) [H.L.]

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

INTITLED

An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Towns of Holywood and Greystones.

(*Brought from the Lords 8 June 1877.*)

*Ordered, by The House of Commons, to be Printed,
3 July 1877.*

[Bill 225.]

Under 1 oz.

A

B I L L

T O

Amend the Law relating to Public Baths and Washhouses. A.D. 1877.

WHEREAS the Act passed in the session held in the ninth and tenth years of the reign of Her present Majesty, chapter seventy-four, intituled "An Act to encourage the establishment of "Public Baths and Washhouses," was amended by the Act passed
 5 in the session held in the tenth and eleventh years of the reign of Her present Majesty, chapter sixty-one, intituled "An Act to "amend the Act for the establishment of Public Baths and Wash-
 "houses," and it is expedient further to amend the said first-recited Act, and to provide for the establishment of covered swimming
 10 baths and other purposes :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

15 **1.** This Act may be cited for all purposes as "The Baths and Washhouses Act, 1877." Short title.

The words "covered swimming bath" in this Act shall mean a swimming bath protected by a roof or other covering from the weather.

20 **2.** This Act and the recited Acts, as amended by the Statute Law Revision Act, 1875, and the Public Health Act, 1875, and by this Act, shall be construed and carried into execution as one Act; and the words "the council and the commissioners" when used in this Act shall include the urban authority mentioned in the tenth section
 25 of the Public Health Act, 1875. This Act and recited Acts to be construed as one.

3. All the provisions of the recited Acts respectively shall be construed to extend and to have extended from the passing of such Acts respectively to covered swimming baths as well as to baths, washhouses, and open bathing places. Covered swimming baths authorized.

[Bill 118.]

A.D. 1877.

Power to make charges for swimming baths not exceeding those in schedule.

Power to close swimming baths for a limited period.

Power to make bye-laws.

Power to appoint officers.

Power to make charges for gymnasium, &c.

Powers of borrowing, &c. for the purposes of principal Act to extend to this Act.

Power to remove persons offending

4. The council and the commissioners respectively may from time to time provide covered swimming baths, and make such reasonable charges for the use thereof as they shall think fit, not exceeding the charges mentioned in the schedule annexed to this Act.

5

5. The council and the commissioners respectively may during such period, not exceeding *five months* in any one year, as they shall think fit, from the beginning of the month of November to the end of the month of March, close any covered swimming bath or open swimming bath, and may either keep the same closed or may establish therein a gymnasium or such other means of healthful recreation as they shall think fit, or may during such period allow any covered or open swimming bath to be used as an empty building for such purposes of healthful recreation or exercise as they shall think fit during such period as aforesaid: Provided always, that no covered or open swimming bath when closed may be used for music or dancing.

15

6. The council and the commissioners respectively may make byelaws for the regulation, management, and use of the open or swimming baths when used for any of the purposes mentioned in the fifth section of this Act; and all the provisions in the principal Act relating to byelaws shall extend and apply to byelaws made under this section.

20

7. The council and the commissioners respectively may appoint and remove at pleasure such officers and servants as shall be necessary for the management and superintendence of any gymnasium or other means of recreation established under this Act, and may appoint reasonable salaries, wages, and allowances for such officers and servants.

25

8. The council and the commissioners respectively may from time to time make such reasonable charges for the use of the gymnasium or other means of recreation established under this Act, or for the use of any covered swimming bath as an empty room, as they shall think fit.

30

9. The provisions in the twenty-first, twenty-second, and twenty-third sections of the principal Act authorising the borrowing and advancement of money for the purposes of that Act shall be taken to authorise the borrowing and advancement of money in like manner for the purposes of this Act.

35

10. The council and the commissioners respectively, and their respective servants and agents, may remove any person offending against any of the byelaws made under this Act and the recited

40

Acts, or any of them; and any bath or washhouse, or open bathing place, or covered swimming bath, established under this Act and the recited Acts, or any of them, shall be taken to be a public and open place, so as to make offences against decency therein criminal
5 offences.

against
byelaws.
Baths, &c.
to be con-
sidered
public and
open places.

11. The council and the commissioners respectively, and their respective officers and servants, may refuse admittance to any bath, washhouse, open bathing place, or covered swimming bath, or any of them, to any person (1) who shall have been convicted of wil-
10 fully disobeying any of the byelaws in such bath, washhouse, open bathing place, or covered swimming bath; (2) who shall have been convicted of any offence against public decency in any of such baths, washhouses, open bathing places, or covered swimming baths as aforesaid.

Power to
refuse ad-
mittance to
baths, &c.
to offenders.

12. The provisions of an Act passed in the session held in the twenty-ninth year of the reign of Her present Majesty, chapter thirty-one, intituled "An Act to provide for superannuation
15 "allowances to officers of vestries and other boards within the area
"of the Metropolis Local Management Act," shall extend to and
20 include officers and servants employed in and about any baths, washhouses, open bathing places, or covered swimming baths established under this Act and the recited Acts, or any of them, by the council or the commissioners within the area of the Metropolis Local Management Act.

Power to
make super-
annuation
allowances
to officers,
&c. em-
ployed about
baths, &c.
within the
metropolis.

13. The expense of carrying this Act into execution shall be defrayed, and the income arising from the use in any manner of any covered swimming bath established under the provisions of this Act and the recited Acts, or any of them, shall be applied, in the
25 same manner as that in which the expenses of the principal Act
30 are thereby directed to be defrayed, and the income arising from baths, and washhouses, and open bathing places, is thereby directed to be applied.

Expenses of
the Act and
income arising
from the
granting of
the Act to be
defrayed and
applied in the
same manner
as the expenses
of and arising
from the exe-
cution of the
principal Act.

14. The charge of *one halfpenny*, fixed by the tenth and eleventh Victoria, chapter sixty-one, section seven, and part five of the
35 schedule to that Act, shall be increased to *one penny*.

The SCHEDULE above referred to.

A.D. 1877.

CHARGES FOR COVERED SWIMMING BATHS.

1ST CLASS.—Any sum not exceeding *eightpence* for each person.2ND CLASS.—Any sum not exceeding *fourpence* for each person.3RD CLASS.—Any sum not exceeding *twopence* for each person.Public Baths and Wash-
houses.

A

B I L LTo amend the Law relating to Public
Baths and Washhouses.(Prepared and brought in by
Mr. Forsyth, Mr. Ritchie, Sir Thomas Chambers,
and Colonel Beresford.)Ordered, by The House of Commons, to be Printed,
21 March 1877.

[Bill 118.]

Under 1 oz.

Public Health Act (1875) Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title and construction.
 2. Duty of rural authority to provide or require provision of sufficient water supply, and procedure for enforcing such requirement.
 3. Appeal by owner against requirement to provide water supply.
 4. Houses in rural districts not to be erected or rebuilt without sufficient water supply.
 5. Duties of local authorities as to public cisterns, &c.
 6. Power of local authorities to make byelaws with respect to water supply.
 7. Periodical inspections of water supply.
 8. Powers of urban sanitary authority for supply of water.
-

A
B I L L

TO

Amend the Public Health Act, 1875, so far as relates to the supply of Water. A.D. 1877.

WHEREAS the provisions of the Public Health Act, 1875, are inadequate to secure a proper and sufficient supply of water, especially in rural sanitary districts, and it is accordingly expedient that those provisions be amended :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Public Health (Water) Act, 1877, and shall be construed as one with the Public Health Act, 1875. Short title and construction.

2. It shall be the duty of every rural sanitary authority to see that every occupied house within their district has within a reasonable distance a supply of pure water sufficient for the consumption and use for domestic purposes of the occupiers of the house. Duty of rural authority to provide or require provision of sufficient water supply, and procedure for enforcing such requirement.

Where it appears to a rural sanitary authority, on the report of their medical officer of health, that any occupied house within their district has not such supply within a reasonable distance, and that such supply can be provided at a reasonable cost, and ought to be provided at the expense of the owner of the house, proceedings may be taken as follows :

(1.) The authority may serve on the owner of the house a notice requiring him, within a time specified in the notice and not exceeding six months from the date thereof, to provide such supply, and to do all such works as may be necessary for that purpose.

(2.) If at the expiration of the time so specified the notice is not complied with, the authority may serve on the owner a

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second notice, informing him that if the requirements of the first notice are not complied within one month from the date of the second notice, the authority will themselves provide such supply at the expense of the owner.

- (3.) If at the expiration of one month from the date of the second 5 notice the requirements of the first notice are not complied with, the authority may provide such supply themselves, and may do all necessary works for that purpose.
- (4.) Any expenses incurred by the authority in providing such supply and doing such works may be recovered in a 10 summary manner from the owner of the house, or may, by order of the local authority, be declared to be private improvement expenses.

A rural authority may, on cause being shown to their satisfaction why the requirements of a notice served by them under this section 15 should not be complied with, withdraw the notice or modify the requirements thereof.

Appeal by
owner
against re-
quirement
to provide
water supply.

3. Where an owner of a house has been required by the notice of a sanitary authority to provide a supply of water for his house, and deems himself aggrieved by the requirement on any of the 20 following grounds; that is to say,

1. That under the circumstances of the case the supply is not required; or,
2. That it is impracticable to provide the supply at a reasonable cost; or, 25
3. That the time limited by the notice for providing the supply is insufficient; or,
4. That the whole or part of the expense of providing the supply ought to be a charge on the district or contributory place in which the house is situate; 30

he may, within twenty-one days after service on him of the notice, address a memorial to the Local Government Board, stating the grounds of his complaint, and shall deliver a copy thereof to the sanitary authority, and thereupon the Local Government Board may either cancel the requirement or confirm the same, with or 35 without modifications, and in particular may, if they think it equitable so to do, apportion the expense of providing the supply between the owner of the house and the ratepayers of the district or place in which the house is situate, or between the owner and any other person or persons, and if any requirement so confirmed 40 is not complied with, the same proceedings may be taken as on non-compliance with the original requirement.

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Where the Local Government Board cancel the requirement of a sanitary authority on the ground that the expense of providing the supply of water ought to be a charge on the district or contributory place in which the house to which the requirement relates
5 is situate, they may make an order requiring the authority to provide the supply within a limited time, not exceeding five years from the date of the order; and any such order may be enforced in the manner provided by section two hundred and ninety-nine of the Public Health Act, 1875, with respect to the orders mentioned
10 in that section.

4. It shall not be lawful in any rural district newly to erect any house or to rebuild any house which has been pulled down to or below the ground floor unless and until there is provided, within a reasonable distance of the house, such supply of water as may
15 appear to the sanitary authority of the district, on the report of their medical officer of health, to be sufficient for the consumption and use for domestic purposes of the occupiers of the house.

Houses in rural districts not to be erected or rebuilt without sufficient water supply.

Any person who causes a house to be erected or rebuilt in contravention of this section shall be liable to a penalty not exceeding
20 *fifty pounds*.

5. Whereas doubts are entertained as to the duties of local authorities under section sixty-four of the Public Health Act, 1875: Be it therefore enacted, that where in accordance with the provisions of that section any public cistern, pump, well, reservoir,
25 conduit, aqueduct, or work has vested in and is under the control of any local authority, it shall be the duty of the authority to cause the same to be maintained and plentifully supplied with pure and wholesome water, or to substitute, maintain, and plentifully supply with pure and wholesome water other such works equally
30 convenient.

Duties of local authorities as to public cisterns, &c.

If a local authority make default in the performance of their duties under this section, the performance thereof may be enforced in the manner provided by section two hundred and ninety-nine of the Public Health Act, 1875, with respect to the default mentioned
35 in that section.

6. Every rural sanitary authority may make byelaws for the purpose of enforcing a proper and sufficient supply of water for the houses within their district.

Power of local authority to make byelaws with respect to water supply. Periodical inspections of water supply.

7. It shall be the duty of every rural sanitary authority from
40 time to time to cause an inspection to be made with a view to ascertain the condition of the water supply within their district.

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 Powers of
 urban sani-
 tary autho-
 rity for
 supply of
 water.

8. Where an urban district, or any part thereof, is not supplied with water, either by the urban authority of the district or by any water company empowered by Act of Parliament or any order confirmed by Parliament, the urban authority shall, within that district or part, have the same powers of enforcing a supply of 5 water as are by this Act conferred on a rural sanitary authority; and the provisions of this Act with respect to the exercise of those powers shall apply accordingly.

**Public Health Act (1875)
 Amendment.**

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B I L L

To amend the Public Health Act, 1875,
 so far as relates to the supply of
 Water.

*(Prepared and brought in by
 Mr. Alexander Brown, Dr. Lyon Playfair,
 Mr. Ryden, and Mr. Cowen.)*

*Ordered, by The House of Commons, to be Printed,
 11 June 1877.*

[Bill 193.]

Under 1 oz.



Memorandum on Public Health (Ireland) Bill.

The objects of this Bill are to consolidate into one Act the various provisions with respect to sanitary matters and burial grounds of the several Acts, no less than twenty in number, now in force in Ireland, and to amend the same where such amendment is required.

PART I.

SANITARY AUTHORITIES.

Clauses 3 to 14. These clauses relate to the constitution, powers, duties, and property of sanitary authorities, to sanitary officers, and to the formation of united districts, and re-enact similar provisions of the Public Health (Ireland) Act, 1874, omitting section 8 of that Act, which will be no longer necessary.

Clause 6 makes the existence of town and township commissioners in a district a condition precedent to the constitution of such district into an urban sanitary district.

Clauses 7 and 8 deal with the powers, &c. of sanitary authorities, and are framed with regard to the provisions of the Bill, by which these powers, &c. are conferred, and do not therefore provide for the transfer of these powers under other Acts, as was necessary in the case of section 7 of the Public Health (Ireland) Act, 1874.

PART II.

SANITARY PROVISIONS.

Clause 15 vests sewers in the sanitary authorities. The clause is taken from the English Public Health Act of last session.

Clauses 16 to 21 relate to the purchase, making, maintenance, and management of sewers; they contain and consolidate provisions comprehended in several previous enactments in force in Ireland.

Sections 22 to 25, as to sewerage of buildings, disposal of sewage, &c., contain provisions similar to those in the Sanitary Acts and Towns Improvement Act in force in Ireland; and extend to rural as well as urban authorities.

Clause 26 is taken from the English Public Health Act of 1875, it gives power to sanitary authorities to close such drains from private houses as are not suitable to the general drainage of the district.

Clause 27 is already in force in Ireland, in towns under the Towns Improvement Act of 1854.

Clause 28 is taken from the English Public Health Act of 1875.

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Clauses 29 to 33 are already in force in Ireland.

Clauses 34 to 36 relate to works outside the district of a sanitary authority ; and are taken from the English Public Health Act of 1875.

Clauses 37 to 42, relating to the purchase of premises for improvement of streets, and to buildings, are similar to the provisions in force in towns under the Towns Improvement Act of 1854, but are more extensive. They are taken from the English Public Health Act of 1875 ; but Clauses 40 and 41 are here extended to rural as well as to urban authorities.

Privies and closets.

Clauses 43 to 49 as to privies, waterclosets, &c. contain provisions similar to those already existing, with the exception of the clauses relating to factories which are new in Ireland.

Scavenging and cleansing.

Clauses 50 to 55 enable sanitary authorities generally to cleanse closets, &c. and streets, and to remove refuse, without any order from the Local Government Board. These provisions are more comprehensive than those existing, and Clauses 53 and 55 are here extended to rural sanitary districts. Keeping a " swine or pig sty" in a dwelling-house in any sanitary district is made liable to a penalty.

Offensive ditches, &c.

Clauses 56 to 58. The provision for dealing with authorities of " adjoining " districts where there is an offensive ditch, &c. is new. The other provisions, relating to the periodical removal of accumulated manure or refuse are in part already in force.

SUPPLY OF WATER AND GAS.

Water supply.

Clauses 59 to 74 confer more extensive powers for water supply upon sanitary authorities than are at present in force. They are taken from the English Public Health Act of 1875. The incorporation of " Waterworks Clauses Acts of 1847 and 1863 " (Section 65) is new ; as are the provisions as to supply of water by meters (Section 66 to 68) ; and also the provisions enabling a sanitary authority to supply water to an adjoining district.

Clauses 75 to 77. Similar provisions already exist.

Clauses 78 and 79 relate to the supply of gas by urban authorities, and increase their powers very considerably, by allowing them in certain cases to purchase gasworks, and themselves to supply gas, if so empowered by a provisional order. These clauses are adopted from the English Public Health Act, 1875.

CELLAR DWELLINGS.

Clauses 80 to 84 relate to existing and future cellar dwellings. They somewhat extend the existing law, by defining a cellar dwelling, and by enabling a court of summary jurisdiction to order the closing of any cellar the owner of which has been twice convicted of infringing the Act.

COMMON LODGING-HOUSES.

Clauses 85 to 98 relating to common lodging-houses, and houses let in lodgings are all at present in force under the Acts relating to these subjects in Ireland.

MARKETS AND SLAUGHTER-HOUSES.

Clauses 101 to 104, relating to markets and slaughter-houses, are similar to but more extensive in effect than the existing enactments.

NUISANCES.

Clauses 105 to 125, enabling the sanitary authorities and their officers to order the abatement of nuisances, to abate them, to proceed to enforce penalties, and dealing generally with nuisances are all adopted, with slight amendments, from the existing law.

OFFENSIVE TRADES.

Clauses 126 to 128, dealing with offensive trades, are adopted, with slight modifications, from statutes at present in force.

Clause 129 extends the power of the sanitary authority to institute proceedings in places outside their district, and is taken from the English Public Health Act of 1875.

UN SOUND FOOD, &c.

Clauses 130 to 134 relate to unsound food, &c., and are in substance found in the existing statutes, which however omitted "butter" from the list of food products included within their scope.

Clause 134 is intended to obviate a difficulty experienced under the sale of Food and Drugs Act, 1875, by reason of that Act not authorising presentments for necessary expenses to be made in advance.

INFECTIOUS DISEASES.

Clauses 135 to 145 relate to infectious diseases, and disinfection. They are all to be found in the existing law.

Clauses 146 to 152, relating to the spread of the same diseases as above mentioned, are re-enactments, with some modifications, of the existing law.

Clauses 153 to 155, for providing mortuaries, are re-enactments of the existing law. In Clause 154 a provision for payment of a fee of ten shillings to a medical practitioner for certifying for the removal of a dead body is new.

PART III.

BURIAL GROUNDS.

Clause 156. This is a change in the present law under which many towns and townships below 6,000 in population are the burial board districts although not the sanitary districts.

See Burial Boards Act, 1856, s. 2.

Clause 157. This corrects the existing law, for by the Irish Church Act, 1869, in a great number of instances, burial grounds are vested in the boards of guardians of the unions in which they are situate, although such boards of guardians may not be the burial boards for the parts of the unions in which such burial grounds are situate. The consequence is that in such cases no burial-ground rate can be levied.

Clause 158. The words "or for the maintenance of public decency" or to prevent a violation of the respect due to the remains of "deceased persons" are new.

Clause 159. By this clause it is intended to remove doubts which have arisen as to whether the present law requires notice to be given in the Dublin Gazette, not only of the inquiry by the inspector, but of the consideration of his Report by the Local Government Board. The Public Health (Ireland) Act, 1874, and the Burial Grounds Acts being repealed, the future course of procedure will be regulated by the provisions of clause 159. The remainder of the clauses under this heading have been taken from the Burial Grounds Acts, hereby proposed to be repealed.

PART IV.

GENERAL PROVISIONS.

Clauses 198 to 200. *Purchase of Lands.*—All these provisions are in the Local Government (Ireland) Act, 1871, or the Public Health (Ireland) Act, 1874, except the direction to the Sanitary Authority to sell superfluous land, which is new.

The existing enactments however apply only to urban authorities. They are here extended to all sanitary authorities, so as to enable them to discharge the duties by this Act imposed upon them, *e.g.*, to supply water, &c.

Clause 202 re-enacts the provisions contained in section five of the Local Government (Ireland) Act, 1871, with respect to the transfer, by provisional order, of the powers of grand juries relating to roads, &c. to urban sanitary authorities; but extends the powers of the Local Government Board by enabling them to make a provisional order without the consent of the grand jury, which consent was by the said section five made a condition precedent to the making of any such provisional order; requiring, however, in every such case a special report to Parliament, stating the ground upon which the Local Government Board has made such provisional order.

Clauses 203 to 205 confer additional powers upon the Local Government Board to hold inquiries, similar to the power conferred on the English Board by the English Act of 1875.

Clause 206. This clause continues, as to sanitary authorities, the powers of control now enjoyed by the Local Government Board under the forty-ninth section of the Sanitary Act, 1866, and so far as urban authorities are concerned continues the mode of enforcing such control under that forty-ninth section, but substitutes for this mode of control, in the case of rural authorities, the controlling powers now possessed by the Local Government Board over defaulting boards of guardians.

Clause 208, as to the power of the inspectors to examine witnesses, &c., is a simple extension of their power under the Poor Law Acts to meet the case contemplated in the preceding clauses.

PROVISIONAL ORDER BY LOCAL GOVERNMENT BOARD.

Clauses 209, 210. These clauses are re-enactments of the existing law.

ARBITRATIONS.

Clauses 211, 213, are taken from the Public Health England Act, 1875, and are somewhat more detailed in their provisions than the sections upon the subject in the statutes already in force in Ireland.

Clauses 214 to 220. *Bye laws*.—Provisions substantially the same as these already exist under the Towns Improvement Act, and other Acts in Ireland.

PART V,

FINANCE.

Clause 221 differs from section twelve of the Public Health (Ireland) Act, 1874, by empowering the Local Government Board to alter by sealed order the incidence of taxation, if inequitably distributed among the sub-divisions of an urban district, instead of doing so by provisional order, as under the existing law. In rural districts a sealed order only is required for fixing the incidence of taxation among contributory districts, under section thirteen of the Public Health (Ireland) Act, 1874.

Clauses 224 to 226. *Private Improvement Rate*.—These provisions are new to Ireland and are to be found in the English Public Health Act of 1875.

Clauses 227 and 228. *Expenses of Rural Authority*.—Substantially the same as an existing provision of the Public Health (Ireland) Act, but there are some modifications as to the area of charge and for removing any doubts as to whether deductions from rent in respect of the rate may be made, as in the case of ordinary poor rate.

EXPENSES OF BURIAL BOARDS.

Clause 229. These expenses are, in rural sanitary districts, by these clauses transferred from the special rate which should be struck under the existing Burial Grounds Acts to the general rate in any union, or to the rate on any electoral division or on any town land as the Local Government Board shall by order direct.

JOINT BOARDS.

Clauses 230, 231. The provisions respecting the expenses of joint boards are already law.

BORROWING POWERS.

Clauses 232 to 242. These clauses re-enact existing provisions with some modifications, viz. : The power to re-borrow is new, also the last paragraph of Clause 233 relating to borrowing for private improvement expenses or for expenses in regard to which a part only of the urban district is liable. Clause 238, authorising the appointment of receiver, and Clauses 239 and 240, authorising the granting of rentcharge for private improvement expenses, are also new.

AUDIT OF ACCOUNTS.

Clause 243. Cork, Kilkenny, and Waterford were specially excepted from the audit provisions of the Local Government Act, 1871. This section abolishes this exception, and the exception of the townships in the county of Dublin (see Section 32 of Local Government (Ireland) Act, 1871), is removed by the repeal of the said section 32 in the schedule. Six days notice by the auditor of an intended audit is substituted for fourteen days notice, the period prescribed by the forty-ninth section of the Public Health (Ireland) Act, 1874. The auditor is required to give only six days notice of his intention to audit the ordinary accounts of a Poor Law Union. The same length of notice appears adequate in the case of sanitary authorities.

PART VI.

LEGAL PROCEEDINGS.

Clauses 244 to 258 relate to legal proceedings to be taken by or against any sanitary authority. They are taken from the English Public Health Act of 1875, and provide that the petty sessions court shall in general be the court of first instance for suits whether

to recover urban rates, penalties, or debts due under the preceding clauses; that appeals shall lie to quarter sessions, and not to the superior courts by way of certiorari or otherwise, and provide for the protection of sanitary authorities against legal proceedings, upon the same principles as other official persons are now protected under various statutes.

Clauses 259 to 261 provide for the mode of making, publishing, and serving orders and notices by the Local Government Board and other authorities. They are in substance re-enactments of existing law.

APPEALS.

Clause 262 constitutes the Local Government Board a Court of Appeal from orders made by a sanitary authority, if they be orders enforceable by summary proceeding. The person aggrieved is to memorialise the Board, who shall thereupon give a decision upon the matter which shall be conclusive. Pending the appeal all summary proceedings are to be stayed. This clause is new, and is taken from the English Public Health Act of 1875.

Clause 263 provides that appeals against magistrates decisions shall be to the Quarter Sessions Court.

Clauses 264 to 272 relate to payment of members of sanitary authorities in certain cases, entry on lands for purposes of Act, penalty for obstructing execution of Act, penalty for damaging works, compensation for damage by sanitary authority, compensation to officers in certain cases, consents of Local Government Board, and settlement of differences as to property transferred, and to the construction of incorporated Acts, and are re-enactments of existing law.

(Signed) A. POWER,
Vice-President,
Local Government Board for Ireland.

Public Health (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

PRELIMINARY.

Clause.

1. Short title.
2. Interpretation of terms.

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SANITARY AUTHORITIES.

3. Urban and rural sanitary districts.
4. Description of urban sanitary districts and urban sanitary authorities.
5. Description of rural sanitary districts and rural sanitary authorities.
6. Power to alter sanitary districts.
7. Powers and duties of urban authorities.
8. Powers and duties of rural authorities.
9. Vesting of property in sanitary authorities.
10. Sanitary officers and superintendent officers of health.

Union of Districts.

11. Formation of united district.
12. Governing body of united district.
13. Saving from liability of members of joint boards.
14. Regulation as to constitution of joint board.

PART II.

SANITARY PROVISIONS.

SEWERAGE AND DRAINAGE.

Regulations as to Sewers and Drains.

15. Sewers vested in sanitary authority.
16. Power to purchase sewers.

[Bill 116.]

Clause.

17. Maintenance and making of sewers.
18. Powers for making sewers.
19. Sewage to be purified before being discharged into streams.
20. Alteration and discontinuance of sewers.
21. Cleansing sewers.
22. Map of system of sewerage.
23. Power of owners and occupiers within district to drain into sewers of sanitary authority.
24. Use of sewers by owners and occupiers without district.
25. Power of sanitary authority to enforce drainage of undrained houses.
26. Power of sanitary authority to require houses to be drained into new sewers.
27. Penalty on building house without drains in urban district.
28. Penalty on unauthorised building over sewers and under streets in urban district.

Disposal of Sewage.

29. Powers for disposing of sewage.
30. Power to agree for communication of sewers with sewers of adjoining district.
31. Power to deal with land appropriated to sewage purposes.
32. Contribution to works under agreement for supply or distribution of sewage.
33. Application of 27 & 28 Vict. c. 114. to works for supply of sewage.

As to Sewage Works without District.

34. Notice to be given before commencing sewage works without district.
35. In case of objection, works not to be commenced without sanction of Local Government Board.
36. Inspector to hold inquiry and report to Local Government Board.

Regulation of Buildings.

37. Power to purchase premises for improvement of streets.
38. Power to regulate line of buildings.
39. Buildings not to be brought forward.

Clause.

40. Power to make byelaws respecting new buildings, &c.
41. As to commencement of works and removal of works made contrary to byelaws.
42. What to be deemed a new building.

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43. Penalty on building houses without privy accommodation.
44. Power of sanitary authority to enforce provision of privy accommodation for houses.
45. As to earth closets.
46. Privy accommodation for factories.
47. Public necessities.
48. Drains, privies, &c. to be properly kept.
49. Examination of drains, &c. on complaint of nuisance.

SCAVENGING AND CLEANSING.

Regulations as to Streets and Houses.

50. Sanitary authority to provide for cleansing of streets and removal of refuse.
51. Penalty on neglect of sanitary authority to remove refuse, &c.
52. Power of sanitary authority to make byelaws imposing duty of cleansing, &c. on occupier.
53. Power to provide receptacles for deposit of rubbish.
54. Houses to be purified, on certificate of officer of health, or of two medical practitioners.
55. Penalty in respect of certain nuisances on premises.

Offensive Ditches and Collections of Matter.

56. Provision for obtaining order for cleansing offensive ditches lying near to or forming the boundaries of districts.
57. Removal of filth on certificate of inspector of nuisances or sanitary officer.
58. Periodical removal of manure from mews and other premises.

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Powers of Local Authority in relation to Supply of Water.

59. General powers for supplying district with water.
60. Restriction on construction of waterworks by sanitary authority.

Clause.

61. As to construction of reservoirs.
62. Power of carrying mains.
63. As to supply of water.
64. Power to charge water rates and rents.
65. Incorporation of certain provisions of Waterworks Clauses Acts.
66. Power to supply water by measure.
67. Register of meter to be evidence.
68. Penalty for injuring meters.
69. Power to supply water to authority of adjoining districts.
70. Sanitary authority may require houses to be supplied with water in certain cases.
71. Powers of water company for supplying water to sanitary authority.
72. Vesting of public cisterns, &c. in sanitary authority.
73. Water for public baths, or trading or manufacturing purposes.
74. Duty of urban authority to provide fireplugs.

Provisions for Protection of Water.

75. Penalty for causing water to be corrupted by gas washings.
76. Sanitary authority may take proceedings to prevent pollution of streams.
77. Power to close polluted wells, &c.

GAS SUPPLY, &c.

78. Powers of urban authority for lighting their district.
79. Power for sale of undertaking of gas company to urban authority.

REGULATION OF CELLAR DWELLINGS AND LODGING-HOUSES.

Occupation of Cellar Dwellings.

80. Prohibition of occupying cellar dwellings.
81. Existing cellar dwellings only to be let or occupied on certain conditions.
82. Penalty on persons offending against enactment.
83. Definition of occupying as a dwelling.
84. Power to close cellars in case of two convictions.

Common Lodging-houses.

Clause.

85. Registers of common lodging-houses to be kept.
86. All common lodging-houses to be registered, and to be kept only by registered keepers.
87. Sanitary authority may refuse to register houses.
88. Notice of registration to be affixed to houses.
89. Byelaws to be made by sanitary authority.
90. Power to sanitary authority to require supply of water to houses.
91. Limewashing of houses.
92. Power to order reports from keepers of houses receiving vagrants.
93. Keepers to give notice of fever, &c. therein.
94. As to inspection.
95. Offences by keepers of houses.
96. Evidence as to family in proceedings.
97. Conviction for third offence to disqualify persons from keeping common lodging-house.

Byelaws as to Houses let in Lodgings.

98. Local Government Board may empower sanitary authority to make byelaws as to lodging-houses.
99. Saving for common lodging-houses.

Clocks.

100. Urban authority may provide public clocks.

MARKETS AND SLAUGHTER-HOUSES.

101. Urban authority may provide markets.
102. Power for sale of undertaking of market company to urban authority.
103. Power to provide slaughter-houses.
104. Notice to be affixed on slaughter-houses.

NUISANCES.

105. Definition of nuisances.
106. Duty of sanitary authority to inspect district for detection of nuisances.

Clause.

107. Information of nuisances to sanitary authority.
108. Sanitary authority to serve notice requiring abatement of nuisance.
109. On non-compliance with notice complaint to be made to justice.
110. Power of court of summary jurisdiction to make order dealing with nuisance.
111. Order of prohibition in case of house unfit for human habitation.
112. Penalty for contravention of order of court.
113. Appeal against order.
114. In certain cases order may be addressed to sanitary authority.
115. Power to sell manure, &c.
116. Power of entry of sanitary authority.
117. Penalty for disobedience of order.
118. Costs and expenses of execution of provisions relating to nuisances.
119. Power of individual to complain to justice of nuisance.
120. Power of officer of police to proceed in certain cases against nuisances.
121. Sanitary authority may take proceedings in superior court for abatement of nuisances.
122. Power to proceed where cause of nuisance arises without district.
123. Provision in case of two convictions for overcrowding.
124. Provision as to ships.
125. Provisions of Act relating to nuisances not to affect other remedies.

OFFENSIVE TRADES.

126. Restriction on establishment of offensive trade in urban district.
127. Byelaws as to offensive trades in urban district.
128. Duty of urban authority to complain to justice of nuisance arising from offensive trade.
129. Power to proceed where nuisance arises from offensive trade carried on without district.
130. Power of medical officer of health to inspect meat, &c.

UNSOOUND MEAT, &c.

Clause.

- 131. Power of justice to order destruction of unsound meat, &c.
- 132. Penalty for hindering officer from inspecting meat, &c.
- 133. Search warrant may be granted by a justice.
- 134. Grand juries may present in advance for the purpose of providing for the execution of The Sale of Food and Drugs Act, 1875.

INFECTIOUS DISEASES AND HOSPITALS.

Provisions against Infection.

- 135. Duty of sanitary authority to cause premises to be cleansed and disinfected.
- 136. Destruction of infected bedding, &c.
- 137. Provision of means of disinfection.
- 138. Provision of conveyance for infected persons.
- 139. Removal of infected persons without proper lodging to hospital by order of justice.
- 140. Penalty on exposure of infected persons and things.
- 141. Penalty on failing to provide for disinfection of public conveyance.
- 142. Penalty on letting houses in which infected persons have been lodging.
- 143. Penalty on persons letting houses making false statements as to infectious disease.
- 144. Justices may make an order for the vaccination of any child under fourteen years.
- 145. Power of Local Government Board to make regulations.

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- 146. Power of Local Government Board to make regulations for prevention of the spread of diseases.
- 147. Publication of regulations and orders.
- 148. Boards of guardians to see to the execution of regulations.
- 149. Power of entry.
- 150. Poor law medical officer entitled to costs of attendance on board vessels.
- 151. Local Government Board may combine boards of guardians.

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152. Penalty for violating or obstructing the execution of regulations.

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153. Power of sanitary authority to provide mortuaries.
154. Justice may in certain cases order removal of dead body to mortuary.
155. Power of sanitary authority to provide places for post-mortem examinations.

PART III.

BURIAL GROUNDS.

156. Sanitary authority to be burial board.
157. Vesting of burial grounds by Church Temporalities Commissioners.
158. On representation duly made, Local Government Board may restrain the opening of new burial grounds and order discontinuance of burials in specified places.
159. Power to direct local inquiry.
160. Local Government Board may postpone order for discontinuance of burials, &c.
161. Order not to extend to burial grounds of Quakers, unless expressly included.
162. Order not to extend to burial grounds of French Protestants, unless expressly included.
163. Penalty on persons burying contrary to the provisions of orders.
164. Saving of certain rights to bury in vaults.
165. New burial grounds not to be opened contrary to order.
166. No corpse to be buried in private grave without consent.
167. No animal to be allowed to graze in burial places.
168. Upon requisition of ratepayers or members of burial board, meeting of board to be convened to determine whether burial ground shall be provided.
169. When burial grounds are closed by order, board to provide suitable burial grounds, &c.
170. Consent of owners of houses to new burial grounds, where necessary.
171. Board may purchase land for cemeteries, or contract with cemetery companies.

Clause.

172. Liabilities of old burial grounds transferred to new burial grounds.
173. Management to be vested in burial boards.
174. Boards may sell exclusive rights of burial, and rights to erect monuments, &c.
175. Boards may make arrangements for facilitating the conveyance of bodies to burial grounds.
176. Places may be provided for reception of bodies until interment.
177. Local Government Board may make regulations as to burial grounds, &c.
178. Exemption of burials from toll.
179. Board may lay out and embellish burial ground.
180. Provisions of Act extended to additions to existing burial grounds.
181. When burial ground not fenced or kept in decent order by owner, burial board may serve a notice requiring the same to be fenced, &c.
182. After six months from service of notice, &c. burial board empowered to fence burial ground, and keep the same in order, and take the management.
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184. Board to fix payments for interments in burial grounds.
185. Minutes of proceedings of board to be entered in a book.
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187. Register of burials in every ground provided under this Act to be kept by Burial Board.
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190. Assessment to local rates not to be increased after purchase for the purposes of this or any former Act.
191. Burial board may let land not required for burials.
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268. Compensation in case of damage by sanitary authority.

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SAVING CLAUSES.

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275. Reference to arbitration in case of works not within preceding section.

276. Effect of arbitration.

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279. Saving for water rights generally.

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281. Saving for mines, &c.

Clause.

- 282. Saving for corporate bodies and Government departments.
- 283. Saving for payment in certain cases to sanitary authority.
- 284. Appointments under 35 & 36 Vict. c. 69. exempt from stamp duty.
- 285. Saving for acts of authorities under certain local Acts.
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- 288. Repeal of Acts in Schedule A.

SCHEDULES.

LIST OF ABBREVIATED REFERENCES.

- T. I. A. 17 & 18 Vict. c. 103. "The Towns Improvement (Ireland) Act, 1854."
- L. G. A. 34 & 35 Vict. c. 109. "The Local Government (Ireland) Act, 1871."
- L. G. B. 35 & 36 Vict. c. 69. "The Local Government Board (Ireland) Act, 1872."
- P. H. I. 37 & 38 Vict. c. 93. "The Public Health (Ireland) Act, 1874."
- P. H. E. 38 & 39 Vict. c. 55. "The Public Health Act, 1875."
- N.R. 1855 18 & 19 Vict. c. 121. Nuisances Removal, 1855.
- N.R. 1860 23 & 24 Vict. c. 77. " " 1860.
- N.R. 1863 26 & 27 Vict. c. 117. " " 1863.
- S. U. 1865 28 & 29 Vict. c. 75. Sewage Utilization, 1865.
- S. U. 1867 30 & 31 Vict. c. 113. " " 1867.
- S. A. 1866 29 & 30 Vict. c. 90. Sanitary Act, 1866.*
- S. A. 1868 31 & 32 Vict. c. 115. " 1868.
- S. A. 1869 32 & 33 Vict. c. 100. Sanitary Loans Act, 1869.
- C.L. 1851 14 & 15 Vict. c. 28. Common Lodging Houses, 1851, } as amended
by
- C.L. 1853 16 & 17 Vict. c. 41. Common Lodging Houses, 1853, } 23 & 24 Vict.
c. 26.
- D. P. 18 & 19 Vict. c. 116. Diseases Prevention, 1855, as amended by 23 & 24 Vict. c. 77, and extended to Ireland by 29 & 30 Vict. c. 90.
- B. G. 1856. 19 & 20 Vict. c. 98. The Burial Grounds (Ireland) Act, 1856.
- B. G. 1860. 23 & 24 Vict. c. 76. The Burial Grounds (Ireland) Act, 1856, Amendment.

* This Act amends in important particulars the Nuisances Removal Acts.

A

B I L L

TO

Consolidate and amend the Acts relating to Public Health in Ireland. A.D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 PRELIMINARY.

1. This Act may be cited for all purposes as "The Public Health (Ireland) Act, 1877." Short title.

2. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them ; Interpretation of terms.
10 that is to say,

"Borough" means any place for the time being subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intituled "An Act for the regulation of municipal corporations

15 "in Ireland," and any Act amending the same :

"Local Government Board" means the Local Government Board for Ireland :

"Person" includes any body of persons, whether corporate or unincorporate :

20 "Sanitary authority" means urban sanitary authority or rural sanitary authority, as by this Act defined, as the case may be :

"Lands" and "Premises" include messuages, buildings, lands, easements, and hereditaments of any tenure :

25 "Owner" means the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or
[Bill 116.]

A.D. 1877.

- trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent :
- “ Rackrent ” means rent which is not less than two thirds of the full net annual value of the property out of which the rent arises as ascertained under the Acts relating to the Valuation of Rateable Property in Ireland : 5
- “ Street ” includes any highway and any public bridge and any road, lane, footway, square, court, alley, or passage whether a thoroughfare or not :
- “ House ” includes schools, factories, and other buildings in which more than twenty persons are employed at one time : 10
- “ Drain ” means any drain of and used for the drainage of one building only or of premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed : 15
- “ Sewer ” includes sewers and drains of every description, except drains to which the word “ drain ” interpreted as aforesaid applies, and except drains vested in or under the control of any authority having the management of roads and not being a sanitary authority under this Act : 20
- “ Slaughter-house ” includes the buildings and places commonly called slaughter-houses and knackers yards, and any building or place used for slaughtering cattle, horses, or animals of any description for sale : 25
- “ Common lodging-house ” means a house in which or in any part of which persons are harboured or lodged for hire for a single night, or for less than a week at a time :
- “ Water company ” means any person or body of persons corporate or unincorporate supplying or who may hereafter supply water for his or their own profit : 30
- “ Waterworks ” includes streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueduct, cuts, sluices, mains, pipes, culverts, engines, and all machinery, lands, buildings, and things for supplying or used for supplying water, also the stock in trade of any water company : 35
- “ Labouring Classes Lodging Houses Acts ” means 29 & 30 Vict. c. 44 (Labouring Classes Lodging Houses and Dwellings Act (Ireland), 1866) ; 30 & 31 Vict. c. 28 (Labouring Classes Dwelling Houses Act, 1867) : 40
- “ Artizans and Labourers Dwellings Act ” means 31 & 32 Vict. c. 130 (Artizans and Labourers Dwellings Act, 1868) :

“Bakehouse Regulation Act” means 26 & 27 Vict. c. 40 (Bakehouse Regulation Act, 1863): A.D. 1877.

“Diseases Prevention Act” means 18 & 19 Vict. c. 116 (Diseases Prevention Act, 1855) as amended by 23 & 24 Vict. c. 77 (An Act to amend the Acts for the removal of nuisances and the prevention of diseases), as the same are amended and extended to Ireland by the Sanitary Act, 1866:

“Baths and Washhouses Acts” means 9 & 10 Vict. c. 87 (An Act for promoting the voluntary establishment in boroughs and certain towns in Ireland of public baths and washhouses):

“Sanitary Acts” means all the above-mentioned Acts and the Acts mentioned in the Schedule A. to this Act annexed, except the Burial Grounds Acts as herein-after defined, and includes any amendments of such Acts, and with respect to any urban sanitary district, includes any Act, local Act, or provisional order relating to the same subject matters as the above-mentioned Acts in force within such district:

“Sanitary purposes” means any objects or purposes of the Sanitary Acts:

“Burial Grounds Acts” means the Burial Grounds (Ireland) Act, 1856, as the same is amended by the 23 & 24 Vict. c. 76:

“Lands Clauses Acts” means and includes the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1860; the Railways Act (Ireland), 1864, and the Railway Traverse Act:

“Poor Law Acts” means 1 & 2 Vict. c. 56, and the Acts amending the same:

The expression “Summary Jurisdiction Acts” means, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same:

The expression “court of summary jurisdiction” means any justice or justices of the peace, or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to:

“Chairman” includes recorder:

“Court of quarter sessions” means the court of general or quarter sessions of the peace having jurisdiction over the whole or any part of the district or place in which the matter requiring the cognizance of general or quarter sessions arises, and when

A.D. 1877.

used in reference to any suit or proceeding prosecuted or taken in any borough in which there shall be a recorder having jurisdiction to hear appeals from rates, or from any order, conviction, or judgment of any court of summary jurisdiction, includes the court of such recorder.

5

PART I.

SANITARY AUTHORITIES.

Urban and rural sanitary districts.
P. H. (I.),
s. 2.

3. For the purposes of this Act Ireland shall be divided into sanitary districts to be called respectively—

(1.) Urban sanitary districts; and

10

(2.) Rural sanitary districts;

and every such urban and rural sanitary district shall respectively be subject to the jurisdiction of a sanitary authority, in this Act called an urban sanitary authority or urban authority and a rural sanitary authority or rural authority invested with the powers in this Act mentioned.

15

Description of urban sanitary districts and urban sanitary authorities.
P. H. (I.),
s. 3.

4. Urban sanitary districts (or urban districts) shall consist of the places in that behalf mentioned in the first column of the table in this section contained, and urban sanitary authorities (or urban authorities) shall be the several bodies of persons specified in the second column of the said table in relation to the said places respectively.

20

TABLE above referred to.

Urban Sanitary District.	Urban Sanitary Authority.	
The City of Dublin - - - - -	The Right Honourable the Lord Mayor, Aldermen, and Burgesses acting by the Town Council.	25
Towns corporate (except Dublin) - - - - -	The Mayor, Aldermen, and Burgesses acting by the Town Council.	30
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Commissioners appointed by virtue of an Act made in the ninth year of the reign of George the Fourth, intituled "An Act to make provision for the lighting, cleansing, and watching of cities and towns corporate and market towns in Ireland in certain cases."	The Commissioners.	35
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Municipal Commissioners under 3 & 4 Vict. c. 108.	The Municipal Commissioners.	40
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Town Commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 103).	The Town Commissioners.	
Towns or townships having Commissioners under Local Acts.	The Town or Township Commissioners.	45

5. The area of every poor law union, with the exception of those portions (if any) of the area which are included in urban sanitary districts, shall form a rural sanitary district (or rural district), and the guardians of the union shall, as such, be the rural sanitary authority or rural authority of such district, subject to the following conditions; that is to say,

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Description
of rural sani-
tary districts
and rural
sanitary
authorities.
P. H. (I.),
s. 4.

- (1.) No elective guardian of any electoral division belonging to such union and forming or being wholly included within an urban sanitary district shall act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority :
- (2.) Where part of an electoral division belonging to a union forms or is situated in an urban sanitary district, the Local Government Board may, by order, divide such electoral division into separate wards and determine the number of guardians to be elected by such wards respectively, in such manner as to provide for the due representation of the part of the electoral division lying within the rural sanitary district; but until such order has been made the guardian or guardians of such electoral division may act and vote as members of the rural sanitary authority in the same manner as if no part of such electoral division formed part of or was situated in an urban sanitary district :
- (3.) An ex-officio guardian resident in any electoral division, or part thereof, belonging to such union which forms or is situated in an urban sanitary district shall not act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority unless he is the owner or occupier of property situated in the rural sanitary district of a value sufficient to qualify him as an elective guardian for the union.

6. The Local Government Board shall have power, by provisional order, to separate from a rural sanitary district any town or district wholly situate therein, the population of which, according to the then last parliamentary census, exceeds *six thousand*, and in which there shall be town or township commissioners under any Act of Parliament, and to constitute it an urban sanitary district to be thereafter subject to all the provisions of this Act affecting urban sanitary districts, or to include any such town or district wholly situate in a rural sanitary district in any adjoining urban sanitary district, which when so included in such urban sanitary district, shall be subject to all the provisions of the Acts constituting the urban authority of such urban sanitary district, and to all the pro-

Power to
alter sani-
tary dis-
tricts.
P. H. (I.),
s. 5.

A.D. 1877. — visions of this Act affecting urban sanitary districts; and the said Board shall likewise have power, by provisional order, to add any town or township under this Act constituted an urban sanitary authority to the rural sanitary district in which it is situate, to be subject thereafter to all provisions of this Act affecting rural sanitary districts. No such provisional order shall be made except on petition from such town, township, or district. 5

Powers and duties of urban and rural authorities.
P. H. (E.), s. 10.
P. H. (I.), s. 7.

7. Every urban authority shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations exercise- 10
able by or attaching to an urban authority under this Act, and in addition thereto shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations within such district exerciseable or attaching by and to the local authority 15
under the Bakehouse Regulation Act and the Artizans and Labourers Dwellings Act, or any Acts amending the same.

Where the Baths and Wash-houses Acts and the Labouring Classes Lodging Houses Acts, or any of them, are in force within the district of any urban authority, such authority shall have all 20
powers, rights, duties, capacities, liabilities, and obligations in relation to such Acts exerciseable by or attaching to commissioners or persons acting in the execution of the said Acts, or any of them.

Where the Baths and Wash-houses Acts are not in force within the district of any urban authority, such authority may adopt such 25
Acts; and where the Labouring Classes Lodging Houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts.

Where any local Act other than an Act for the conservancy of any river is in force within the district of an urban authority, con- 30
ferring on any commissioners, trustees, or other persons powers for purposes the same as or similar to those of this Act (but not for their own pecuniary benefit), all the powers, rights, duties, capacities, liabilities, and obligations of such commissioners, trustees, or other persons, in relation to such purposes, shall be transferred and 35
attach to the said urban authority.

Powers and duties of rural authorities.
P. H. (E.), s. 11.
P. H. (I.), s. 7.

8. Every rural authority shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations exerciseable by or attaching to a rural authority under this Act, 40
and in addition thereto shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the

powers, rights, duties, capacities, liabilities, and obligations within such district exerciseable by or attached to the local authority under the Bakehouse Regulation Act, or any Acts amending the same. A.D. 1877.

9. *From and after the passing of this Act* all such property, real and personal, including all interests, rights, and easements in, to, and out of property, real and personal (including things in action), as belongs to or is vested in any sanitary authority as the sanitary authority of any district under the Sanitary Acts, shall continue vested in such authority, subject to all debts, liabilities, and obligations affecting the same property. Vesting of property in sanitary authorities. P. H. (E.), s. 12. P. H. (I.), s. 9.

All such property of a sanitary authority shall be held by such authority upon trust for the district or several places respectively within its jurisdiction for the purposes of this Act.

10. Every medical officer of a dispensary district shall be a sanitary officer for such district, or for such part thereof as he shall personally be in charge of, with such additional salary as the sanitary authority thereof may determine, with the approval of the Local Government Board; and every sanitary authority, whether urban or rural, shall appoint such other sanitary officers, including a medical superintendent officer of health when deemed necessary, as the Local Government Board shall in each case direct, with such salaries or additional salaries as the said sanitary authority shall determine, with the approval of the Local Government Board; and the said Board shall assign to the dispensary medical officers, and to the other sanitary officers, if any, and to the medical superintendent officer of health, if such an officer be appointed for the sanitary district, their respective duties and functions in the discovery or inspection or removal of nuisances, in the supply of pure water, in the making or repairing of sewers and drains, or in generally superintending the execution of the sanitary laws within the district. Sanitary officers and superintendent officers of health. P. H. (I.), s. 10.

Provided that with regard to salaries or additional salaries whereof any portion is to be recouped to any local fund from moneys voted by Parliament, the amount of any new salary and the proportion between any existing salary, and the addition thereto, shall be regulated according to a scale to be approved by the Commissioners of Her Majesty's Treasury.

Every such salary or additional salary so determined or approved shall be payable from such local fund as the Local Government Board shall indicate as properly chargeable therewith, and such part thereof as Parliament shall from time to time determine shall be recouped to such local fund out of moneys to be voted by Parliament; and the Local Government Board shall have the

A.D. 1877. same powers with regard to the qualification, appointment, duties, regulation of salary, and tenure of office of every sanitary officer as they have in the case of the medical officer of a dispensary district.

Union of Districts.

Formation
of united
district.
P. H. (I.),
ss. 19, 20.
P. H. (E.),
s. 279.

11. Where it appears to the Local Government Board, on the 5 application of the sanitary authorities of any sanitary districts, or of any of such authorities, and after due inquiry, that it would be for the advantage of such sanitary districts, or of any of them, or of any parts thereof, or of any contributory places in any rural sanitary district or districts, that they should be formed into a united district 10 for all or any of the purposes following; that is to say,

- (1.) The procuring a common supply of water; or
- (2.) The making a main sewer or carrying into effect a system of sewerage for the use of all such districts or contributory 15 places; or
- (3.) For any other purpose of this Act,

the Local Government Board may, by provisional order, form such districts or contributory places into a united district.

All costs, charges, and expenses of and incidental to the formation of a united district shall, in the event of the united district being 20 formed, be a first charge on the rates leviable in the united district in pursuance of this Act.

Governing
body of
united district.
P. H. (I.),
s. 21.
P. H. (E.),
s. 280.

12. The governing body of a united district shall be a joint board consisting of such ex-officio members and of such number of elective members as the Local Government Board may, by the provisional 25 order forming the district, determine.

A joint board shall be a body corporate by such name as may be determined by the provisional order, having a perpetual succession and a common seal, with power to acquire and hold lands for the purposes of its constitution without any license in mortmain. 30

No act or proceeding of a joint board shall be questioned on account of any vacancies therein.

No defect in the qualification or election of any person or persons acting as a member or members of a joint board shall be deemed to vitiate any proceedings of such board in which he or they has or 35 have taken part.

Any minute made of proceedings at a meeting of a joint board, if signed either at the meeting at which such proceedings took place or at the next ensuing meeting by any person purporting for the time being to be the chairman of the board, shall be receivable 40 in evidence of such proceedings in all legal proceedings without further proof, and until the contrary is proved every meeting of a

joint board where minutes have been so made of the proceedings shall be deemed to have been duly convened and held and all the members thereof to have been duly qualified. A.D. 1877.

- 13.** No member of a joint board by being party to or executing in his capacity of member any contract or other instrument on behalf of the board, or otherwise exercising any of the powers given to the board, shall be subject individually to any action, suit, trial, prosecution, or other legal proceeding ; and a joint board may apply any moneys from time to time coming into its hands for the purpose of paying any costs of legal proceedings or damages it may incur in the exercise of the powers granted to it : Provided that nothing in this section shall exempt any member of a joint board from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such joint board, and which such member authorised or joined in authorising.

Saving from liability of members of joint boards. P. H. (I.), s. 21. P. H. (E.), s. 280.

- 14.** The provisional order forming a united district under this Act shall define the purposes for which such united district is formed, and the powers, rights, duties, capacities, liabilities, and obligations under this Act which the joint board is authorised to exercise or perform or is made subject to, and shall contain regulations as to the qualification and mode of election of elective members of the joint board, as to their continuance in office, as to casual vacancies in the joint board, as to its meetings and officers, and any other matter or thing, including the adjustment of present and future liabilities and property, with respect to which the Local Government Board may think fit to make any regulations for the better carrying into effect the provisions of this Act with respect to united districts.

Regulation as to constitution of joint board. P. H. (I.), s. 22. P. H. (E.), s. 281.

- Upon the constitution of a joint board the sanitary authorities having jurisdiction in the component districts or contributory places shall cease to exercise therein any powers, or to perform any duties, or to be subject to any liabilities or obligations which the joint board is authorised to exercise or perform or is made subject to ; nevertheless the said joint board may delegate to the sanitary authority of any component district the exercise of any of its powers for the performance of any of its duties, with the approval of the Local Government Board.

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PART II.

SANITARY PROVISIONS.

SEWERAGE AND DRAINAGE.

Regulations as to Sewers and Drains.

Sewers*
vested in
sanitary
authority.
P. H. (E.),
s. 13.

15. All existing and future sewers within the district of a sanitary authority, together with all buildings, works, materials, and things belonging thereto,

Except

(1.) Sewers made by any person for his own profit, or by any company for the profit of the shareholders; and 10

(2.) Sewers made and used for the purpose of draining, preserving, or improving land under any local or private Act of Parliament, or for the purpose of irrigating land; and

(3.) Sewers under the authority of any commissioners of sewers appointed by the Crown, 15

shall vest in and be under the control of such sanitary authority.

Provided that sewers within the district of a sanitary authority which have been or which may hereafter be constructed by or transferred to some other sanitary authority or by or to a sewage board or other authority empowered under any Act of Parliament 20 to construct sewers, shall (subject to any agreement to the contrary) vest in and be under the control of the authority who constructed the same or to whom the same have been transferred.

Power to
purchase
sewers.
P. H. (E.),
s. 14.
T. I. A.,
ss. 33, 34.

16. Any sanitary authority may purchase or otherwise acquire from any person any sewer, or any right of making or of user or 25 other right in or respecting a sewer (with or without any buildings, works, materials, or things belonging thereto), within their district, and any person may sell or grant to such authority any such sewer, right, or property belonging to him; and any purchase money paid by such authority in pursuance of this section shall be subject to 30 the same trusts (if any) as the sewer, right, or property sold was subject to.

But any person who, previously to the purchase of a sewer by such authority, has acquired a right to use such sewer shall be entitled to use the same, or any sewer substituted in lieu thereof, 35 to the same extent as he would or might have done if the purchase had not been made.

Maintenance
and making
of sewers.
P. H. (E.),
s. 15.
S. U., 1865,
s. 4.

17. Every sanitary authority shall keep in repair all sewers belonging to them, and shall cause to be made such sewers as may be necessary for effectually draining their district for the purposes 40 of this Act.

18. Any sanitary authority may carry any sewer through, across, or under any road, or any street or place laid out as or intended for a street, or under any cellar or vault which may be under the pavement or carriageway of any street, and, after giving reasonable notice in writing to the owner or occupier into, through, or under any lands whatsoever within their district.

A.D. 1877.
Powers for making sewers.
P. H. (E.), s. 16.
S. U., 1865, s. 4.
S. U., 1867, s. 3.

They may also (subject to the provisions of this Act relating to sewage works without the district of the sanitary authority) exercise all or any of the powers given by this section without their district for the purpose of outfall or distribution of sewage.

19. Nothing in this Act shall authorise any sanitary authority to make or use any sewer, drain, or outfall for the purpose of conveying sewage or filthy water into any natural stream or watercourse, or into any canal, pond, or lake until such sewage or filthy water is freed from all excrementitious or other foul or noxious matter such as would affect or deteriorate the purity and quality of the water in such stream or watercourse, or in such canal, pond, or lake.

Sewage to be purified before being discharged into streams.
P. H. (E.), s. 17.
S. U., 1865, s. 11.

20. Any sanitary authority may from time to time enlarge, lessen, alter the course of, cover in, or otherwise improve any sewer belonging to them, and may discontinue, close up, or destroy any such sewer that has in their opinion become unnecessary, on condition of providing a sewer as effectual for the use of any person who may be deprived in pursuance of this section of the lawful use of any sewer: Provided that the discontinuance, closing up, or destruction of any sewer shall be so done as not to create a nuisance.

Alteration and discontinuance of sewers.
P. H. (E.), s. 18.
S. U., 1865, s. 4.

21. Every sanitary authority shall cause the sewers belonging to them to be constructed, covered, ventilated, and kept so as not to be a nuisance or injurious to health, and to be properly cleansed and emptied.

Cleansing sewers.
P. H. (E.), s. 19.
S. U., 1865, s. 4.

22. Any sanitary authority may, if they think fit, provide a map exhibiting a system of sewerage for effectually draining their district, and any such map shall be kept at their office, and shall at all reasonable times be open to the inspection of the ratepayers of their district.

Map of system of sewerage.
P. H. (E.), s. 20.
T. I. A., s. 32.

23. The owner or occupier of any premises within the district of a sanitary authority shall be entitled to cause his drains to empty into the sewers of that authority on condition of his giving such notice as may be required by that authority of his intention so to do, and of complying with the regulations of that authority in respect of the mode in which the communications between such drains and sewers are to be made, and subject to the control of any

Power of owners and occupiers within district to drain into sewers of sanitary authority.
P. H. (E.), s. 21.

A.D. 1877. person who may be appointed by that authority to superintend the making of such communications.
 S. A., 1866, s. 8.

Any person causing a drain to empty into a sewer of a sanitary authority without complying with the provisions of this section shall be liable to a penalty not exceeding *twenty pounds*, and the sanitary authority may close any communication between a drain and sewer made in contravention of this section, and may recover in a summary manner from the person so offending any expenses incurred by them under this section.

Use of
sewers by
owners and
occupiers
without
district.
P. H. (E.),
s. 22.
S. A., 1866,
s. 9.

24. The owner or occupier of any premises without the district of a sanitary authority may cause any sewer or drain from such premises to communicate with any sewer of the sanitary authority on such terms and conditions as may be agreed on between such owner or occupier and such sanitary authority, or as in case of dispute may be settled, at the option of the owner or occupier, by a court of summary jurisdiction or by arbitration in manner provided by this Act.

Power of
sanitary
authority
to enforce
drainage of
undrained
houses.
P. H. (E.),
s. 23.
S. A., 1866,
s. 10.

25. Where any house within the district of a sanitary authority is without a drain sufficient for effectual drainage, the sanitary authority shall by written notice require the owner or occupier of such house, within a reasonable time therein specified, to make a covered drain or drains emptying into any sewer which the sanitary authority are entitled to use, and which is not more than one hundred feet from the site of such house; but if no such means of drainage are within that distance, then emptying into such cesspool or other place not being under any house as the sanitary authority direct; and the sanitary authority may require any such drain or drains to be of such materials and size, and to be laid at such level, and with such fall as may appear to them to be necessary.

If such notice is not complied with, the sanitary authority may, after the expiration of the time specified in the notice, do the work required, and may recover in a summary manner the expenses incurred by them in so doing from the owner, or may by order declare the same to be private improvement expenses.

Provided that where, in the opinion of the sanitary authority, greater expense would be incurred in causing the drains of two or more houses to empty into an existing sewer pursuant to this section, than in constructing a new sewer and causing such drains to empty therein, the sanitary authority may construct such new sewer, and require the owners or occupiers of such houses to cause their drains to empty therein, and may apportion as they deem just the expenses of the construction of such sewer among the owners of the several houses, and recover in a summary manner the sums apportioned

from such owners, or may by order declare the same to be private improvement expenses. A.D. 1877.

26. Where any house within the district of a sanitary authority has a drain communicating with any sewer, which drain though
 5 sufficient for the effectual drainage of the house is not adapted to the general sewerage system of the district, or is in the opinion of the sanitary authority otherwise objectionable, the sanitary authority may, on condition of providing a drain or drains as effectual for the drainage of the house, and communicating with such other sewer
 10 as they think fit, close such first-mentioned drain, and may do any works necessary for that purpose, and the expenses of those works, and of the construction of any drain or drains provided by them, under this section, shall be deemed to be expenses properly incurred by them in the execution of this Act.

Power of sanitary authority to require houses to be drained into new sewers.
 P. H. (E.), s. 24.

27. It shall not be lawful in any urban district newly to erect
 15 any house or to rebuild any house which has been pulled down to or below the ground floor, or to occupy any house so newly erected or rebuilt, unless and until a covered drain or drains be constructed, of such size and materials, and at such level, and with such fall as may
 20 appear to the urban authority to be necessary for the effectual drainage of such house; and the drain or drains so to be constructed shall empty into some sewer which the urban authority are entitled to use, and which is within one hundred feet of some part of the site of the house to be built or rebuilt; but if no such means of drainage
 25 are within that distance, then shall empty into such covered cesspool or other place, not being under any house, as the urban authority direct.

Penalty on building house without drains in urban district.
 P. H. (E.), s. 25.
 T. I. A., s. 35.

Any person who causes any house to be erected or rebuilt or any drain to be constructed in contravention of this section shall be liable
 30 to a penalty not exceeding *fifty pounds*.

28. Any person who in any urban district, without the written consent of the urban authority,—

(1.) Causes any building to be newly erected over any sewer of the urban authority; or,

35 (2.) Causes any vault, arch, or cellar to be newly built or constructed under the carriageway of any street,

shall forfeit to the urban authority the sum of *five pounds* and a further sum of *forty shillings* for every day during which the offence is continued after a written notice in this behalf from the urban
 40 authority; and the urban authority may cause any building, vault, arch, or cellar erected or constructed in contravention of this section to be altered, pulled down, or otherwise dealt with as they may think fit, and may recover in a summary manner any expenses incurred by them in so doing from the offender.

Penalty on unauthorise building over sewers and under streets in urban district.
 P. H. (E.), s. 26.

A.D. 1877.

Disposal of Sewage.

Powers for disposing of sewage.

P. H. (E.),

s. 27,

S. U., 1865,

s. 14.

S. U., 1867,

ss. 3 and 4.

29. For the purpose of receiving, storing, disinfecting, distributing, or otherwise disposing of sewage, any sanitary authority may—

- (1.) Construct any works within their district, or (subject to the provisions of this Act as to sewage works without the district of the sanitary authority) without their district; and 5
- (2.) Contract for the use of, purchase, or take on lease any land, buildings, engines, materials, or apparatus, either within 10 or without their district; and
- (3.) Contract to supply for any period not exceeding twenty-five years any person with sewage, and as to the execution and costs of works either within or without their district for the purposes of such supply : 15

Provided that no nuisance be created in the exercise of any of the powers given by this section.

Power to agree for communication of sewers with sewers of adjoining district.

P. H. (E.),

s. 23.

P. H. (I.),

s. 25.

30. The sanitary authority of any district may, by agreement with the sanitary authority of any adjoining district, and with the sanction of the Local Government Board, cause their sewers to communicate with the sewers of such last-mentioned authority, in such manner and on such terms and subject to such conditions as may be agreed on between the sanitary authorities, or, in case of dispute, may be settled by the Local Government Board: Provided that so far as practicable storm waters shall be prevented from flowing from the sewers of the first-mentioned authority into the sewers of the last-mentioned authority, and that the sewage of other districts or places shall not be permitted by the first-mentioned authority to pass into their sewers so as to be discharged into the sewers of the last-mentioned authority without the consent of such last-mentioned authority. 20 25 30

Power to deal with land appropriated to sewage purposes.

P. H. (E.),

s. 29.

S. U., 1867,

s. 5.

31. Any sanitary authority may deal with any lands held by them for the purpose of receiving, storing, disinfecting, or distributing sewage in such manner as they deem most profitable, either by leasing the same for a period not exceeding twenty-one years for agricultural purposes, or by contracting with some person to take the whole or a part of the produce of such land, or by farming such land and disposing of the produce thereof; subject to this restriction, that in dealing with land for any of the above purposes, provision shall be made for effectually disposing of all the sewage brought to such land without creating a nuisance. 35 40

32. Where any sanitary authority agree with any person as to the supply of sewage and as to works to be made for the purpose of such supply, they may contribute to the expense of carrying into execution by such person all or any of the purposes of such agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid has been or may hereafter be entered into by such sanitary authority, or to or in which the benefits and obligations of such agreement may have been or may be transferred or vested.

A.D. 1877.

Contribution to works under agreement for supply or distribution of sewage.
P. H. (E.), s. 30.
S. U., 1867, s. 15.

33. The making of works of distribution and service for the supply of sewage to lands for agricultural purposes shall be deemed an "improvement of land" authorised by "The Improvement of Land Act, 1864," and the provisions of that Act shall apply accordingly.

Application of 27 & 28 Vict. c. 114. to works for supply of sewage.
P. H. (E.), s. 31.
S. U., 1865, s. 15.

15 *As to Sewage Works without District.*

34. A sanitary authority shall, three months at least before commencing the construction or extension of any sewer or other work for sewage purposes without their district, give notice of the intended work by advertisement in one or more of the local newspapers circulating within the district where the work is to be made.

Such notice shall describe the nature of the intended work, and shall state the intended termini thereof, and the names of the townlands, and the roads and streets, and other lands (if any) through, across, under, or on which the work is to be made, and shall name a place where a plan of the intended work is open for inspection at all reasonable hours; and a copy of such notice shall be served on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and on the sanitary authority having jurisdiction over the same, and on the secretary of the grand jury sanitary authority or other person having the care of such roads or streets.

Notice to be given before commencing sewage works without district.
P. H. (E.), s. 32.

35. If any such owner, lessee, or occupier, or any such sanitary authority, secretary to the grand jury, or other person as aforesaid, or any other owner, lessee, or occupier who would be affected by the intended work, objects to such work, and serves notice in writing of such objection on the sanitary authority at any time within the said three months the intended work shall not be commenced without the sanction of the Local Government Board after such inquiry as herein-after mentioned, unless such objection is withdrawn.

In case of objection, works not to be commenced without sanction of Local Government Board.
P. H. (E.), s. 33.
S. U., 1867, s. 3.
Inspector to hold inquiry and

40 36. The Local Government Board may, on application of the sanitary authority, appoint an inspector to make inquiry on the

A.D. 1877. spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed, and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing, with such modifications (if any) as they may deem necessary, the intended work. 5

—
report to
Local
Government
Board.
P. H. (E.),
s. 34.
S. U., 1867,
s. 3.

Regulation of Buildings.

Power to purchase premises for improvement of streets. P. H. (E.), s. 154. T. I. A., s. 37. 37. Any urban authority may purchase any premises for the purpose of widening, opening, enlarging, or otherwise improving any street, or (with the sanction of the Local Government Board) for the purpose of making any new street. 10

Power to regulate line of buildings. P. H. (E.), s. 155. T. I. A., s. 38. 38. When any house or building situated in any street in an urban district, or the front thereof, has been taken down, in order to be rebuilt or altered, the urban authority may prescribe the line in which any house or building, or the front thereof, to be built or rebuilt in the same situation shall be erected, and such house or building, or the front thereof, shall be erected in accordance therewith. 15

The urban authority shall pay or tender compensation to the owner or other person immediately interested in such house or building for any loss or damage he may sustain in consequence of his house or building being set back or forward, the amount of such compensation, in case of dispute, to be settled by arbitration in manner provided by this Act. 20

Buildings not to be brought forward. P. H. (E.), s. 156. 39. It shall not be lawful in any urban district, without the written consent of the urban authority, to bring forward any house or building forming part of any street, or any part thereof, beyond the front wall of the house or building on either side thereof, nor to build any addition thereto beyond the front of the house or building on either side of the same. 25 30

Any person offending against this enactment shall be liable to a penalty not exceeding *forty shillings* for every day during which the offence is continued after written notice in this behalf from the urban authority.

Power to make byelaws respecting new buildings, &c. P. H. (E.), s. 157. 40. Every sanitary authority may make byelaws with respect to the following matters; (that is to say,) 35

(1.) With respect to the level, width, and construction of new streets, and the provisions for the sewerage thereof:

(2.) With respect to the structure of walls, foundations, roofs, and chimneys of new buildings for securing stability and the prevention of fires, and for purposes of health: 40

(3.) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings : A.D. 1877.

5 (4.) With respect to the drainage of buildings, to waterclosets, earthclosets, privies, ashpits, and cesspools in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation :

And they may further provide for the observance of such byelaws
10 by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the sanitary authority, and as to the power of such authority (subject to the provision of this Act) to remove, alter, or
15 pull down any work begun or done in contravention of such byelaws : Provided that no byelaw made under this section shall affect any building erected before the passing of this Act.

The provisions of this section and of the two next preceding sections shall not apply to buildings belonging to any railway
20 company and used for the purposes of such railway under any Act of Parliament.

41. Where a notice, plan, or description of any work is required by any byelaw made by a sanitary authority to be laid before that authority, the sanitary authority shall, within one month
25 after the same has been delivered or sent to their clerk, signify in writing their approval or disapproval of the intended work to the person proposing to execute the same ; and if the work is commenced after such notice of disapproval, or before the expiration of such month without such approval, and is in any respect not in
30 conformity with any byelaw of the sanitary authority, the sanitary authority may cause so much of the work as has been executed to be pulled down or removed.

Where a sanitary authority incur expenses in or about the removal of any work executed contrary to any byelaw, such
35 authority may recover in a summary manner the amount of such expenses either from the person executing the works removed or from the person causing the works to be executed, at their discretion.

Where a sanitary authority may under this section pull down
40 or remove any work begun or executed in contravention of any

A.D. 1877. byelaw, or where the beginning or the execution of the work is an offence in respect whereof the offender is liable in respect of any byelaw to a penalty, the existence of the work during its continuance in such a form and state as to be in contravention of the byelaw shall be deemed to be a continuing offence, but a penalty shall not 5 be incurred in respect thereof after the expiration of one year from the day when the offence was committed or the byelaw was broken.

What to
be deemed
a new
building.
P. H. (E.),
s. 159.

42. For the purposes of this Act the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the framework is left down to the ground 10 floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building. 15

PRIVIES, WATERCLOSETS, &c.

Penalty on
building
houses with-
out privy
accommo-
dation.
P. H. (E.),
s. 35.
L. G. A.,
s. 23.
S. A., 1868,
s. 4.

43. It shall not be lawful newly to erect any house, or to rebuild any house pulled down to or below the ground floor, without a sufficient watercloset, earthcloset, or privy, and an ashpit furnished with proper doors and coverings. 20

Any person who causes any house to be erected or rebuilt in contravention of this enactment shall be liable to a penalty not exceeding *twenty pounds*.

Power of
sanitary
authority
to enforce
provision of
privy accom-
modation for
houses.
P. H. (E.),
s. 36.
L. G. A.,
s. 23.
S. A., 1868,
s. 4.

44. If a house within the district of a sanitary authority appears to such authority by the report of their sanitary officer 25 to be without a sufficient watercloset, earthcloset, or privy, and an ashpit furnished with proper doors and coverings, the sanitary authority shall, by written notice, require the owner or occupier of the house, within a reasonable time therein specified, to provide a sufficient watercloset, earthcloset, or privy, and an ashpit furnished 30 as aforesaid, or either of them, as the case may require.

If such notice is not complied with, the sanitary authority may, at the expiration of the time specified in the notice, do the work thereby required to be done, and may recover in a summary manner from the owner the expenses incurred by them in so doing, or may 35 by order declare the same to be private improvement expenses: Provided that where a watercloset, earthcloset, or privy has been and

is used in common by the inmates of two or more houses, or if in the opinion of the sanitary authority a watercloset, earthcloset, or privy may be so used, they need not require the same to be provided for each house. A.D. 1877.

- 5 **45.** Any enactment in force within the district of any sanitary authority requiring the construction of a watercloset shall be deemed to be satisfied by the construction, with the approval of the sanitary authority, of an earthcloset. As to earth-closets.
P. H. (E.),
s. 37.

- Any sanitary authority may, as respects any house in which any earthcloset is in use with their approval, dispense with the supply of water required by any contract or enactment to be furnished to any watercloset in such house, on such terms as may be agreed on between such authority and the person providing or required to provide such supply of water. L. G. A.,
s. 23.
S. A., 1868,
s. 7.

- 15 Any sanitary authority may themselves undertake, or contract with any person to undertake, a supply of dry earth or other deodorising substance to any house within their district for the purpose of any earthcloset.

- In this Act the term "earthcloset" includes any place for the reception and deodorization of faecal matter constructed to the satisfaction of the sanitary authority.

- 46.** Where it appears to any sanitary authority by the report of their sanitary officer that any house is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at one time in any manufacture, trade, or business, the sanitary authority may, if they think fit, by written notice, require the owner or occupier of such house, within the time therein specified, to construct a sufficient number of waterclosets, earthclosets, or privies, and ashpits, for the separate use of each sex. Privy accommodation
for factories.
P. H. (E.),
s. 38.

- 30 Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding *twenty pounds*, and to a further penalty not exceeding *forty shillings* for every day during which the default is continued.

- 47.** Any urban authority may, if they think fit, provide and maintain, in proper and convenient situations, urinals, waterclosets, earthclosets, privies, and ashpits, and other similar conveniences for public accommodation. Public
necessaries.
P. H. (E.),
s. 39.
S. A., 1868,
s. 4.
L. G. A.,
s. 23.
Drains,
privies, &c.

- 48.** Every sanitary authority shall provide that all drains, waterclosets, earthclosets, privies, ashpits, and cesspools within their district

A.D. 1877. be constructed and kept so as not to be a nuisance or injurious to health.

to be properly kept.
P. H. (E.),
s. 40.

Examination
of drains, &c.
on complaint
of nuisance.

P. H. (E.),
s. 41.

L. G. A.,
s. 23.

S. A., 1868,
s. 4.

49. On the written application of any person to a sanitary authority, stating that any drain, watercloset, earthcloset, privy, ashpit, or cesspool on or belonging to any premises within their district is a nuisance or injurious to health (but not otherwise), the sanitary authority may, by writing, empower their sanitary officer, after twenty-four hours written notice to the occupier of such premises, or in case of emergency without notice, to enter such premises, with or without assistants, and cause the ground to be opened, and examine such drain, watercloset, earthcloset, privy, ashpit, or cesspool. If the drain, watercloset, earthcloset, privy, ashpit, or cesspool on examination is found to be in proper condition, he shall cause the ground to be closed, and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the sanitary authority. If the drain, watercloset, earthcloset, privy, ashpit, or cesspool on examination appear to be in bad condition, or to require alteration or amendment, the sanitary authority shall forthwith cause notice in writing to be given to the owner or occupier of the premises requiring him forthwith or within a reasonable time therein specified to do the necessary works; and if such notice is not complied with, the person to whom it is given shall be liable to a penalty not exceeding *ten shillings* for every day during which he continues to make default, and the sanitary authority may, if they think fit, execute such works, and may recover in a summary manner from the owner the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses, as well as the expenses incurred in the previous examination.

SCAVENGING AND CLEANSING.

30

Regulations as to Streets and Houses.

Sanitary
authority
to provide
for cleansing
of streets
and removal
of refuse.

P. H. (E.),
s. 42.

L. G. A.,
s. 23.

S. A., 1868,
s. 5.

50. Every sanitary authority may, and when required by order of the Local Government Board shall, themselves undertake or contract for—

The removal of house refuse from premises;

The cleansing of earthclosets, privies, ashpits, and cesspools;

either for the whole or any part of their district: Moreover every urban authority and any rural authority invested by the Local Government Board with the requisite powers may, and when

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required by order of the said Board shall, themselves undertake or contract for the proper cleansing of streets, and may also themselves undertake or contract for the proper watering of streets for the whole or any part of their district. A.D. 1877.

- 5 All matters collected by the sanitary authority or contractor in pursuance of this section may be sold or otherwise disposed of, and any profits thus made by an urban authority shall be carried to the account of the fund or rate applicable by them for the general purposes of this Act; and any profits thus made by a rural
10 authority in respect of any contributory place shall be carried to the account of the fund or rate out of which expenses incurred under this section by that authority in such contributory place are defrayed.

- If any person removes or obstructs the sanitary authority or con-
15 tractor in removing any matters by this section authorised to be removed by the sanitary authority, he shall for each offence be liable to a penalty not exceeding *five pounds*: Provided that the occupier of a house within the district shall not be liable to such penalty in respect of any such matters which are produced on his
20 own premises and are intended to be removed for sale or for his own use, and are in the meantime kept so as not to be a nuisance.

51. If a sanitary authority who have themselves undertaken or contracted for the removal of house refuse from premises, or the cleansing of earthclosets, privies, ashpits, and cesspools, fail, without
25 reasonable excuse, after notice in writing from the occupier of any house within their district requiring them to remove any house refuse, or to cleanse any earthcloset, privy, ashpit, or cesspool belonging to such house or used by the occupiers thereof, to cause the same to be removed or cleansed, as the case may be, within seven
30 days, the sanitary authority shall be liable to pay to the occupier of such house a penalty not exceeding *five shillings* for every day during which such default continues after the expiration of the said period.

Penalty on neglect of sanitary authority to remove refuse, &c. P. H. (E.), s. 43. P. H. (I.), s. 39.

52. Where the sanitary authority do not themselves undertake
35 or contract for—

The cleansing of footways and pavements adjoining any premises,

The removal of house refuse from any premises,

- 40 The cleansing of earthclosets, privies, ashpits, and cesspools belonging to any premises,

Power of sanitary authority to make bye-laws imposing duty of cleansing, &c. on occupier. P. H. (E.), s. 44.

A D. 1877. they may make byelaws imposing the duty of such cleansing or removal, at such intervals as they think fit, on the occupier of any such premises.

L. G. A.,
s. 23.

S. A., 1868,
s. 5.

An urban authority may also make byelaws for the prevention of nuisances arising from snow, filth, dust, ashes, and rubbish, and for the prevention of the keeping of animals on any premises so as to be injurious to health.

Power to
provide re-
ceptacles for
deposit of
rubbish.

P. H. (E.),
s. 45.

T. I. A.,
s. 42.

53. Any sanitary authority may, if they see fit, provide in proper and convenient situations receptacles for the temporary deposit and collection of dust, ashes, and rubbish; they may also provide fit buildings and places for the deposit of any matters collected by them in pursuance of this part of this Act.

Houses to be
purified, on
certificate of
officer of
health, or of
two medical
practitioners.

P. H. (E.),
s. 46.

T. I. A.,
s. 42.

54. Where, on the certificate of the sanitary officer or of any two medical practitioners, it appears to any sanitary authority that any house or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any house or part thereof would tend to prevent or check infectious disease, the sanitary authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash, cleanse, or purify the same, as the case may require.

If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding *ten shillings* for every day during which he continues to make default; and the sanitary authority may, if they think fit, cause such house or part thereof to be whitewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

Penalty in
respect of
certain
nuisances on
premises.

P. H. (E.),
s. 47.

T. I. A.,
s. 42.

55. Any person who in any sanitary district—

- (1.) Keeps any swine or pig sty in any dwelling-house, or so as to be a nuisance to any person; or
- (2.) Suffers any waste or stagnant water to remain in any cellar or place within any dwelling-house for twenty-four hours after written notice to him from the sanitary authority to remove the same; or
- (3.) Allows the contents of any watercloset, privy, or cesspool to overflow or soak therefrom,

shall, for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding *five shillings* for every day during which the offence is continued, and the sanitary authority shall abate or cause to be abated every such nuisance, and

may recover in a summary manner the expenses incurred by them in so doing from the occupier of the premises on which the nuisance exists. A.D. 1877.

Offensive Ditches and Collections of Matter.

- 5 **56.** Where any watercourse or open ditch lying near to or forming the boundary between the district of any sanitary authority and any adjoining district is foul and offensive, so as injuriously to affect the district of such sanitary authority, any justice having jurisdiction in such adjoining district may, on the application of
 10 such sanitary authority, summon the sanitary authority of such adjoining district to appear before a court of summary jurisdiction to show cause why an order should not be made by such court for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such court to
 15 be necessary; and such court, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the
 20 amount thereof, and the time and mode of payment, as to such court may seem reasonable.

Provision for obtaining order for cleansing offensive ditches lying near to or forming the boundaries of districts. P. H. (E.), s. 48.

- 57.** Where in any urban district it appears to the inspector of nuisances or sanitary officer that any accumulation of manure, dung, soil, or filth, or other offensive or noxious matter, ought to be removed,
 25 he shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove the same; and if such notice is not complied with within twenty-four hours from the service thereof, the manure, dung, soil, or filth, or matter referred to, shall be vested in and be sold or disposed of by the urban authority,
 30 and the proceeds thereof shall be applied in payment of the expenses incurred by them in the execution of this section; and the surplus (if any) shall be paid on demand to the owner of the matter removed.

Removal of filth on certificate of inspector of nuisances or sanitary officer. P. H. (E.), s. 49. T. I. A., s. 42.

- The expenses of removal by the urban authority of any such
 35 accumulation, if and so far as they are not covered by the sale thereof, may be recovered by the urban authority in a summary manner from the person to whom the accumulation belongs or from the occupier of the premises, or (where there is no occupier) from the owner.

A.D. 1877.

Periodical
removal of
manure from
mews and
other
premises.
P. H. (E.),
s. 50.
S. A., 1866,
s. 53.

58. Notice may be given by any urban authority (by public announcement in the district or otherwise) for the periodical removal of manure or other refuse matter from mews, stables, or other premises; and where any such notice has been given, any person to whom the manure or other refuse matter belongs who fails so to 5
remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the urban authority direct, shall be liable without further notice to a penalty not exceeding *twenty shillings* for each day during which such manure or other refuse matter is permitted to accumulate. 10

WATER SUPPLY.

Powers of Sanitary Authority in relation to Supply of Water.

General
powers for
supplying
district with
water.
P. H. (E.),
s. 51.
S. A., 1866,
s. 11.
T. I. A.,
s. 52.

59. Any urban authority may provide their district or any part thereof, and any rural authority may provide their district or any contributory place therein, or any part of any such contributory 15
place, with a supply of water proper and sufficient for public and private purposes, and for those purposes, or any of them, may—
(1.) Construct and maintain waterworks, dig wells, and do any other necessary acts; and
(2.) Take on lease or hire any waterworks, and (with the sanction 20
of the Local Government Board) purchase any waterworks, or any water or right to take or convey water, either within or without their district, and any rights, powers, and privileges of any water company; and
(3.) Contract with any person for a supply of water. 25

Restriction
on construc-
tion of
waterworks
by sanitary
authority.
P. H. (E.),
s. 52.
S. A., 1866,
s. 11.
T. I. A.,
s. 52.

60. Before commencing to construct waterworks within the limits of supply of any water company empowered by Act of Parliament or any order confirmed by Parliament to supply water, the sanitary authority shall give written notice to every water com- 30
pany within whose limits of supply the sanitary authority are desirous of supplying water, stating the purposes for which and (as far as may be practicable) the extent to which water is required by the sanitary authority.

It shall not be lawful for the sanitary authority to construct any waterworks within such limits if and so long as any such company 35
are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the sanitary authority; and any difference as to whether the water which any such company are able and willing to lay on is proper and sufficient for the purposes for which it is required, or whether the purposes for which 40

it is required are reasonable, or (if and so far as the charges of the company are not regulated by Parliament) as to the terms of supply, shall be settled by arbitration in manner provided by this Act.

- 5 **61.** At least two months before commencing to construct under the provisions of this Act any reservoir (other than a service reservoir or tank which will hold not more than one hundred thousand gallons) the sanitary authority shall give notice of the intended work by advertisement in one or more of the local newspapers circulating
10 within the district where the reservoir is to be constructed.

As to construction of reservoirs. P. H. (E.), s. 53.

If any person who would be affected by the intended work objects to such work, and serves notice in writing of such objection on the sanitary authority at any time within the said two months, the intended work shall not be commenced without the sanction of the
15 Local Government Board, after such inquiry as herein-after mentioned, unless such objection is withdrawn.

The Local Government Board may, on application of the sanitary authority, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and
20 to report to the Local Government Board on the matters with respect to which such inquiry was directed; and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing, with such modifications (if any) as they may deem necessary, the intended work.

- 25 **62.** Where a sanitary authority supply water within their district, they shall have the same powers and be subject to the same restrictions for carrying water mains within or without their district as they have and are subject to for carrying sewers within or without their district respectively by the law for the time being
30 in force.

Power of carrying mains. P. H. (E.), s. 54. S. A., 1866, s. 11.

- 63.** A sanitary authority shall provide and keep in any water-works constructed or purchased by them a supply of pure and wholesome water; and where a sanitary authority lay any pipes for the supply of any of the inhabitants of their district, the water may
35 be constantly laid on at such pressure as will carry the same to the top story of the highest dwelling-house within the district or part of the district supplied.

As to supply of water. P. H. (E.), s. 55. S. A., 1866, s. 11. T. I. A., s. 52.

- 64.** Where a sanitary authority supply water to any premises they may charge in respect of such supply a water rate to be
40 assessed on the net annual value of the premises to be made, assessed, and levied in like manner in every respect as the rate out of which the expenses incurred by such sanitary authority in the execution of

Power to charge water rates and rents. P. H. (E.), s. 56.

A.D. 1877. — this Act are defrayed ; moreover they may enter into agreements for supplying water on such terms as may be agreed on between them and the persons receiving the supply, and may recover water rents or other moneys payable under such agreements in a summary manner.

Incorporation of certain provisions of Waterworks Clauses Acts, P. H. (E.), s. 57.

65. For the purpose of enabling any sanitary authority to supply water there shall be incorporated with this Act the Waterworks Clauses Act, 1863, and the following provisions of the Waterworks Clauses Act, 1847 ; (namely,)

- “ With respect ” (where the sanitary authority have not the control of the streets) “ to the breaking up of streets for the purpose of laying pipes ” ; and
- “ With respect to the communication pipes to be laid by the undertakers ” ; and
- “ With respect to the communication pipes to be laid by the inhabitants ” ; and
- “ With respect to waste or misuse of the water supplied by the undertakers ” ; and
- “ With respect to the provision for guarding against fouling the water of the undertakers ” ; and
- “ With respect to the payment and recovery of the water rates.”

Provided,—

That the provisions with respect to the communication pipes to be laid by the undertakers and the inhabitants respectively shall apply only in districts or parts of districts where the sanitary authority lay any pipes for the supply of any of the inhabitants thereof ; and

That any dispute authorised or directed by any of the said incorporated provisions to be settled by an inspector or two justices shall be settled by a court of summary jurisdiction ; and

That section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words “ with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner,” were omitted therefrom ; and any rent for pipes and works paid by an occupier under that section may be deducted by him from any rent from time to time due from him to such owner.

Power to supply water by measure. P. H. (E.), s. 58.

66. A sanitary authority may agree with any person to supply water by measure, and as to the payment to be made in the form of rent or otherwise for every meter provided by them ; they shall at all times at their own expense keep all meters and other instru-

ments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water, and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The
 5 sanitary authority shall for the purposes aforesaid have access to and be at liberty at all reasonable times to remove, test, inspect, and replace any such meter or other instrument. A.D. 1877.

67. Where water is supplied by measure by any sanitary authority, the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water
 10 consumed; and if the sanitary authority and the consumer differ with respect to the quantity consumed, the difference shall be determined, on the application of either party, by a court of summary jurisdiction, and such court may order by which of the parties the
 15 costs of the proceedings before them shall be paid, and its decision shall be final and binding. Register of meter to be evidence. P. H. (E.), s. 59.

68. If any person wilfully or by culpable negligence injures or suffers to be injured any meter or fittings belonging to a sanitary authority, or fraudulently alters the index to any meter, or prevents
 20 any meter from duly registering the quantity of water supplied, or fraudulently abstracts or uses water of the sanitary authority, he shall (without prejudice to any other right or remedy of the sanitary authority) be liable to a penalty not exceeding *forty shillings*, and the sanitary authority may in addition thereto recover the amount
 25 of any damage sustained. The existence of artificial means, under the control of the consumer, for causing any such alteration, prevention, abstraction, or use shall be evidence that the consumer has fraudulently effected the same. Penalty for injuring meters. P. H. (E.), s. 60.

69. Any sanitary authority for the time being supplying water within their own district may, with the sanction of the Local Government Board, supply water to the sanitary authority of any adjoining district on such terms as may be agreed on between such authorities, or as, in case of dispute, may be settled by arbitration in
 30 manner provided by this Act. Power to supply water to authority of adjoining district. P. H. (E.), s. 61.

70. Where on the report of the sanitary officer of a sanitary authority it appears to such authority that any house within their district is without a proper supply of water, and that such a supply of water can be furnished thereto at such cost as the Local Government Board may, on the application of the sanitary
 35 authority, determine under all the circumstances of the case to be reasonable, the sanitary authority shall give notice in writing to
 40 Sanitary authority may require houses to be supplied with water in certain cases. P. H. (E.), s. 62. S. A., 1866, ss. 11 & 50.

A.D. 1877. — the owner, requiring him, within a time therein specified, to obtain such supply, and to do all such works as may be necessary for that purpose.

If such notice is not complied with within the time specified, the sanitary authority may, if they think fit, do such works and obtain such supply, and for that purpose may enter into any contract with any water company supplying water within their district; and water rates may be made and levied on the premises by the authority or company which furnishes the supply, and may be recovered as if the owner or occupier of the premises had demanded a supply of water and were willing to pay water rates for the same, and any expenses incurred by the sanitary authority in doing any such works may be recovered in a summary manner from the owner of the premises, or may by order of the sanitary authority be declared to be private improvement expenses.

15

Powers of water company for supplying water to sanitary authority.
P. H. (E.),
s. 63.
S. A., 1866,
s. 11.

71. Any water company may contract to supply water or may lease their waterworks to any sanitary authority; and the directors of any water company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company of a resolution passed by three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to any sanitary authority, on such terms as may be agreed on between the company and the sanitary authority, all the rights, powers, and privileges, and all or any of the waterworks, premises, and other property of the company, but subject to all liabilities to which the same are subject at the time of such purchase.

Vesting of public cisterns, &c. in sanitary authority.
P. H. (E.),
s. 64.
N. R., 1860,
s. 7.
S. A., 1866,
s. 13.

72. All existing public cisterns, pumps, wells, reservoirs, conduits, aqueducts, and works used for the gratuitous supply of water to the inhabitants of the district of any sanitary authority shall vest in and be under the control of such authority, and such authority may cause the same to be maintained and plentifully supplied with pure and wholesome water, or may substitute, maintain, and plentifully supply with pure and wholesome water other such works equally convenient; they may also (subject to the provisions of this Act) construct any other such works for supplying water for the gratuitous use of any inhabitants who choose to carry the same away, not for sale, but for their own private use.

40

Water for public baths, or trading or

73. Any sanitary authority may, if they think fit, supply water from any waterworks purchased or constructed by them to any

public baths or wash-houses, or for trading or manufacturing purposes, on such terms and conditions as may be agreed on between the sanitary authority and the persons desirous of being so supplied; moreover, any sanitary authority may, if they think fit, 5 construct any works for the gratuitous supply of any public baths or wash-houses established otherwise than for private profit or supported out of any poor or borough rates.

74. In every urban sanitary district, or part of such district, in which and so far as no water company shall be by law liable 10 to the obligation of doing the several matters and things mentioned in this section, the urban authority shall cause fire-plugs and all necessary works, machinery, and assistance for securing an efficient supply of water in case of fire to be provided and maintained, and for this purpose they may enter into any agreement with 15 any water company or person; and they shall paint or mark on the buildings and walls within the streets words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may deem expedient.

Provisions for Protection of Water.

75. Any person engaged in the manufacture of gas who—
 (1.) Causes or suffers to be brought or to flow into any stream, reservoir, aqueduct, pond, or place for water, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or,
 25 (2.) Wilfully does any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, pond, or place for water is fouled,
 shall forfeit for every such offence the sum of *two hundred pounds*, and, after the expiration of twenty-four hours notice from the 30 sanitary authority or the person to whom the water belongs in that behalf, a further sum of *twenty pounds* for every day during which the offence is continued or during the continuance of the act whereby the water is fouled.

Every such penalty may be recovered, with full costs of suit, in 35 any of the superior courts, in the case of water belonging to or under the control of the sanitary authority by the sanitary authority, and in any other case by the person into whose water such washing or other substance is conveyed or flows or whose water is fouled by any such act as aforesaid, or in default of proceedings by such person, after notice to him from the sanitary 40 authority of their intention to proceed for such penalty, by the sanitary authority; but such penalty shall not be recoverable

A.D. 1877.
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 manufac-
 turing pur-
 poses.
 P. H. (E.),
 s. 65.
 S. A., 1866,
 s. 11.

Duty of
 urban autho-
 rity to pro-
 vide fire-
 plugs.
 P. H. (E.),
 s. 66.
 T. I. A.,
 s. 52.

Penalty
 for causing
 water to be
 corrupted by
 gas wash-
 ings.
 P. H. (E.),
 s. 68.
 T. I. A.,
 s. 54.
 N. R., 1855,
 ss. 23, 24,
 and 25.
 S. A., 1866,
 s. 11.

A.D. 1877. unless it be sued for during the continuance of the offence, or within six months after it has ceased.

Sanitary authority may take proceedings to prevent pollution of streams.

P. H. (E.), s. 69.
S. U., 1865, s. 10.

76. Any sanitary authority, with the sanction of the Attorney General, may, either in their own name or in the name of any other person, with the consent of such person, take such proceedings by indictment, bill in Chancery, action, or otherwise, as they may deem advisable for the purpose of protecting any watercourse wholly or partially within their jurisdiction from pollutions arising from sewage either within or without their district; and the costs of and incidental to any such proceedings, including any costs that may be awarded to the defendant, shall be deemed to be expenses properly incurred by such authority in the execution of this Act.

Power to close polluted wells, &c.

P. H. (E.), s. 70.
P. H. (I.), s. 53.

77. On the representation of any person to any sanitary authority that within their district the water in any well, tank, or cistern, public or private, or supplied from any public pump, and used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, is so polluted as to be injurious to health, such authority may apply to a court of summary jurisdiction for an order to remedy the same; and thereupon such court shall summon the owner or occupier of the premises to which the well, tank, or cistern belongs if it be private, and in the case of a public well, tank, cistern, or pump, any person alleged in the application to be interested in the same, and may either dismiss the application, or may make an order directing the well, tank, cistern, or pump to be permanently or temporarily closed, or the water to be used for certain purposes only, or such other order as may appear to them to be requisite to prevent injury to the health of persons drinking the water.

The court may, if they see fit, cause the water complained of to be analysed at the cost of the sanitary authority applying to them under this section.

If the person on whom an order under this section is made fails to comply with the same, the court may on the application of the sanitary authority authorise them to do whatever may be necessary in the execution of the order, and any expenses incurred by them may be recovered in a summary manner from the person on whom the order is made.

Expenses incurred by any rural authority in the execution of this section, and not recovered by them as aforesaid, shall be special expenses.

40

Gas Supply, &c.

Powers of urban authority for lighting their district.

78. Any urban authority may contract with any person for the supply of gas, or other means of lighting the streets, markets, and public buildings in their district, and may provide such lamps, lamp

posts, and other materials and apparatus as they may think necessary for lighting the same. A.D. 1877.

Where there is not any company or person (other than the urban authority) authorised by or in pursuance of any Act of Parliament
 5 or any order confirmed by Parliament to supply gas for public and private purposes supplying gas within any part of the district of such authority, such authority may themselves undertake to supply gas for such purposes, or any of them, throughout the whole or any part of their district; and if there is any such company or person
 10 so supplying gas, but the limits of supply of such company or person include part only of the district, then the urban authority may themselves undertake to supply gas throughout any part of the district not included within such limits of supply.

Where an urban authority may under this Act themselves under-
 15 take to supply gas for the whole or any part of their district, a provisional order authorising a gas undertaking may be obtained by such authority under and subject to the provisions of the Gas and Water Works Facilities Act, 1870, and any Act amending the same; and in the construction of the said Act the term "the undertakers"
 20 shall be deemed to include any such urban authority: Provided that for the purposes of this Act the Local Government Board shall throughout the said Act be deemed to be substituted for the Board of Trade.

79. For the purpose of supplying gas within their district or any
 25 part thereof, either for public or private purposes, any urban authority may (with the sanction of the Local Government Board) buy, and the directors of any gas company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act,
 30 and in the case of any other company, of a resolution passed by a majority of three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to such authority, on such terms as may be agreed on between such
 35 authority and the company, all the rights, powers, and privileges and all or any of the lands, premises, works, and other property of the company, but subject to all liabilities attached to the same at the time of such purchase.

REGULATION OF CELLAR DWELLINGS AND LODGING-HOUSES.

40

Occupation of Cellar Dwellings.

80. It shall not be lawful to let or occupy, or suffer to be occupied separately as a dwelling, any cellar (including for the purposes
 [116.] D 4

Power for sale of undertaking of gas company to urban authority. P. H. (E.), s. 162.
 Prohibition of occupying cellar dwellings. P. H. (E.), s. 71. S. A., 1866, s. 42.

A.D. 1877. of this Act in that expression any vault or underground room) built or rebuilt after the passing of this Act, or which is not lawfully so let or occupied at the time of the passing of this Act.

Existing
cellar dwell-
ings only to
be let or
occupied on
certain con-
ditions.

P. H. (E.),
s. 72.
S. A., 1866,
s. 42.

81. It shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling, any cellar whatsoever, unless the following requisitions are complied with; (that is to say,) 5

Unless the cellar is in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, and is at least three feet of its height from the surface of the street or ground adjoining or nearest the same; and 10

Unless there is outside of and adjoining the cellar and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open area of at least two feet and six inches wide in every part; and 15

Unless the cellar is effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor thereof; and

Unless there is appurtenant to the cellar the use of a watercloset, earthcloset, or privy, and an ashpit furnished with proper doors and coverings, according to the provisions of this Act; and 20

Unless the cellar has a fireplace with a proper chimney or flue, and an external window of at least nine superficial feet in area clear of the sash frame, and made to open in a manner approved by the sanitary authority (except in the case of an inner or back cellar let or occupied along with a front cellar as part of the same letting or occupation, in which case the external window may be of any dimensions not being less than four superficial feet in area clear of the sash frame). 25

Provided that in any area adjoining a cellar there may be steps necessary for access to such cellar, if the same be so placed as not to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such cellar a clear space of six inches at the least, and that over or across any such area there may be steps necessary for access to any building above the cellar to which such area adjoins, if the same be so placed as not to be over, across, or opposite to any such external window. 30

Penalty on
persons
offending
against
enactment
P. H. (E.),
s. 73.
S. A., 1866,
s. 42.

82. Any person who lets, occupies, or knowingly suffers to be occupied for hire or rent, any cellar contrary to the provisions of this Act shall be liable for every such offence to a penalty not exceeding *twenty shillings* for every day during which the same 40

continues to be so let or occupied after notice in writing from the sanitary authority in this behalf.

A.D. 1877.

Definition of occupying as a dwelling.

P. H. (E.), s. 74.

S. A., 1866, s. 42.

Power to close cellars in case of two convictions.

P. H. (E.), s. 75.

S. A., 1866, s. 42.

83. Any cellar in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act.

84. Where two convictions against the provisions of any Act relating to the occupation of a cellar as a separate dwelling place have taken place with respect to the same cellar within three months (whether the persons so convicted were or were not the same) a court of summary jurisdiction may direct the closing of the premises so occupied for such time as it may deem necessary, or may empower the sanitary authority permanently to close the same, and to defray any expenses incurred by them in the execution of this section.

15

Common Lodging-houses.

85. Every sanitary authority shall keep a register in which shall be entered the names and residences of the keepers of all common lodging-houses within the district of such authority, and the situation of every such house, and the number of lodgers authorised under this Act by such authority to be received therein.

Registers of common lodging-houses to be kept.

P. H. (F), s. 76.

C. L., 1851, s. 7.

C. L., 1853, s. 5.

A copy of any entry in such register, certified by the executive sanitary officer of such sanitary authority to be a true copy, shall be received in all courts and on all occasions as evidence, and shall be sufficient proof of the matter registered, without production of the register or of any document or thing on which the entry is founded; and a certified copy of any such entry shall be supplied gratis by such executive officer to any person applying at a reasonable time for the same.

86. A person shall not keep a common lodging-house or receive a lodger therein unless the house is registered in accordance with the provisions of this Act; nor unless his name as the keeper thereof is entered in the register kept under this Act: Provided that when the person so registered dies, his widow or any member of his family may keep the house as a common lodging-house for not more than four weeks after his death without being registered as the keeper thereof.

All common lodging-houses to be registered, and to be kept only by registered keepers.

P. H. (E.), s. 77.

C. L., 1851, s. 8.

C. L., 1853, s. 3.

87. A house shall not be registered as a common lodging-house until it has been inspected and approved for the purpose by some officer of the sanitary authority; and the sanitary authority may refuse to register as the keeper of a common lodging-house a person who does not produce to the sanitary authority a certificate of

Sanitary authority may refuse to register houses.

P. H. (E.), s. 78.

C. L., 1853, ss. 3 and 4.

A.D. 1877. character, in such form as the sanitary authority direct, signed by three inhabitant householders of the union respectively rated to the relief of the poor of the union within which the lodging-house is situate for property of the yearly rateable value of six pounds or upwards. 5

Notice of
registration
to be affixed
to houses.
P. H. (E.),
s. 79.
P. H. (I.),
s. 52.

88. The keeper of every common lodging-house shall, if required in writing by the sanitary authority so to do, affix and keep undefaced and legible a notice with the words "Registered Common Lodging-house" in some conspicuous place on the outside of such house. 10

The keeper of any such house who, after requisition in writing from the sanitary authority, refuses or neglects to affix or renew such notice, shall be liable to a penalty not exceeding *five pounds*, and to a further penalty of *ten shillings* for every day that such refusal or neglect continues after conviction. 15

Byelaws
to be made
by sanitary
authority.
P. H. (E.),
s. 80.
C. L., 1851,
s. 9.

89. Every sanitary authority shall from time to time make byelaws—

- (1.) For fixing and from time to time varying the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein; and, 20
- (2.) For promoting cleanliness and ventilation in such houses; and,
- (3.) For the giving of notices and the taking precautions in the case of any infectious disease; and,
- (4.) Generally for the well ordering of such houses.

Power to
sanitary
authority
to require
supply of
water to
houses.
P. H. (E.),
s. 81.
C. L., 1853,
s. 6.

90. Where it appears to any sanitary authority that a common lodging-house is without a proper supply of water for the use of the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the sanitary authority may by notice in writing require the owner or keeper of such house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose; and if the notice be not complied with accordingly, the sanitary authority may remove such house from the register until it is complied with. 25 30

Limewashing
of houses.
P. H. (E.),
s. 82.
C. L., 1851,
s. 13.

91. The keeper of a common lodging-house shall, to the satisfaction of the sanitary authority, limewash the walls and ceilings thereof in the first week of each of the months of April and October in every year, and shall if he fails to do so be liable to a penalty not exceeding *forty shillings*. 35

Power to
order reports
from keepers

92. The keeper of a common lodging-house in which beggars or vagrants are received to lodge shall from time to time, if required 40

in writing by the sanitary authority so to do, report to the sanitary authority, or to such person as the sanitary authority direct, every person who resorted to such house during the preceding day or night, and for that purpose schedules shall be furnished by the sanitary authority to the person so ordered to report, which schedules he shall fill up with the information required and transmit to the sanitary authority.

A.D. 1877.
—
of houses
receiving
vagrants.
P. H. (E.),
s. 83.
C. L., 1853,
s. 8.

93. The keeper of a common lodging-house shall, when a person in such house is ill of fever or any infectious disease, give immediate notice thereof to the sanitary officer of the sanitary authority, and also to the poor law relieving officer of the union in which the common lodging-house is situated.

Keepers to
give notice
of fever, &c.
therein.
P. H. (E.),
s. 84.
C. L., 1851,
s. 11.

94. The keeper of a common lodging-house, and every other person having or acting in the care or management thereof, shall at all times when required by any officer of the sanitary authority, or constable, give him free access to such house or any part thereof; and any such keeper or person who refuses such access shall be liable to a penalty not exceeding *five pounds*.

As to in-
spection.
P. H. (E.),
s. 85.
C. L., 1851,
s. 12.

95. Any keeper of a common lodging-house who—

- (1.) Receives any lodger in such house without the same being registered under this Act; or,
- (2.) Fails to make a report after he has been furnished by the sanitary authority with schedules for the purpose in pursuance of this Act, of the persons resorting to such house; or,
- (3.) Fails to give the notices required by this Act where any person has been confined to his bed in such house by fever or other infectious disease,

Offences by
keepers of
houses.
P. H. (E.),
s. 86.
C. L., 1851,
s. 14.
C. L., 1853
s. 11.

shall be liable to a penalty not exceeding *five pounds*, and in the case of a continuing offence to a further penalty not exceeding *forty shillings* for every day during which the offence continues.

96. In any proceedings under the provisions of this Act relating to common lodging-houses, if the inmates of any house or part of a house allege that they are members of the same family, the burden of proving such allegation shall lie on the persons making it.

Evidence as
to family in
proceedings.
P. H. (E.),
s. 87.
S. A., 1866,
s. 41.

97. Where the keeper of a common lodging-house is convicted of a third offence against any of the provisions of this Act relating to common lodging-houses, the court before whom the conviction for such third offence takes place may, if it thinks fit, adjudge that he shall not at any time within *five years* after the conviction, or

Conviction
for third
offence to
disqualify
persons from
keeping
common
lodging-
house.

A.D. 1877. within such shorter period after the conviction as the court thinks fit, keep a common lodging-house without the previous license in writing of the sanitary authority, which license the sanitary authority may withhold or grant on such terms and conditions as they think fit.

P. H. (E.), s. 88.
C. L., 1853, s. 12.

Byelaws as to Houses let in Lodgings.

5

Local Government Board may empower sanitary authority to make bye-laws as to lodging-houses.
P. H. (E.), s. 90.
P. H. (I.), s. 51.

98. The Local Government Board may, if they think fit, by notice published in the Dublin Gazette, declare the following enactment to be in force within the district or any part of the district of any sanitary authority, and from and after the publication of such notice such authority shall be empowered to make byelaws for the following 10 matters ; (that is to say,)

- (1.) For fixing and from time to time varying the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house 15 so let or occupied :
- (2.) For the registration of houses so let or occupied :
- (3.) For the inspection of such houses :
- (4.) For enforcing drainage and the provision of privy accommodation for such houses; and for promoting cleanliness 20 and ventilation in such houses :
- (5.) For the cleansing and lime-washing at stated times of the premises, and for the paving of the courts and courtyards thereof :
- (6.) For the giving of notices and the taking of precautions in 25 case of any infectious disease.

Saving for common lodging-houses.

99. The provisions of the last preceding section shall not apply to common lodging-houses within the provisions of this Act relating to common lodging-houses.

Clocks.

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Urban authority may provide public clocks.
P. H. (E.), s. 165.
T. I. A., s. 55.

100. Any urban authority may from time to time provide such clocks as they consider necessary, and cause them to be fixed on or against any public building, or, with the consent of the owner or occupier, on or against any private building the situation of which may be convenient for that purpose, and may cause the 35 dials thereof to be lighted at night, and may from time to time alter and remove any such clocks to such other like situation as they may consider expedient.

MARKETS AND SLAUGHTER-HOUSES.

A.D. 1877.

101. Any urban authority shall have power, with the consent of two thirds of their number, to do the following things, or any of them, within their district :

Urban authority may provide markets.
P. H. (E.), ss. 166 and 167.
L. G. A., s. 10.

- 5 To provide a market place and construct a market house and other conveniences for the purpose of holding markets :
- To provide houses and places for weighing carts :
- To make convenient approaches to such market :
- To provide all such matters and things as may be necessary for
- 10 the convenient use of such market :
- To purchase or take on lease land and public or private rights in markets and tolls for any of the foregoing purposes :
- To take stallages, rents, and tolls in respect of the use by any person of such market :

15 but no market shall be established in pursuance of this section so as to interfere with any rights, powers, or privileges enjoyed within the district by any person without his consent.

For the purpose of enabling any urban authority to establish or to regulate markets, there shall be incorporated with this

20 Act the provisions of the Markets and Fairs Clauses Act, 1847, in so far as the same relate to markets ; that is to say,

With respect to the holding of the market or fair, and the protection thereof ; and

With respect to the weighing goods and carts ; and

25 With respect to the stallages, rents, and tolls :

Provided that all tolls leviable by an urban authority in pursuance of this section shall be approved by the Local Government Board.

An urban authority may with respect to any market belonging to them make byelaws for any of the purposes mentioned in section

30 forty-two of the Markets and Fairs Clauses Act, 1847, so far as those purposes relate to markets, and printed copies of any byelaw so made shall be conspicuously exhibited in the market.

102. Any urban authority may purchase, and the directors of any market company, in pursuance, in the case of a company registered

35 under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of

Power for sale of undertaking of market company to urban authority.
P. H. (E.), s. 168.

A.D. 1877. the business to be transacted, may sell and transfer to any urban authority, on such terms as may be agreed on between the company and the urban authority, all the rights, powers, and privileges, and all or any of the markets, premises, and things which at the time of such purchase are the property of the company, but subject to 5 all liabilities attached to the same at the time of such purchase.

Power to provide slaughter-houses.
P. H. (E.), s. 169.
T. I. A., s. 47.

103. Any urban authority may, if they think fit, provide slaughter-houses, and they shall make byelaws with respect to the management and charges for the use of any slaughter-houses so provided. 10

For the purpose of enabling any urban authority to regulate slaughter-houses within their district the provisions of the Towns Improvement Clauses Act, 1847, with respect to slaughter-houses shall be incorporated with this Act.

Nothing in this section shall prejudice or affect any rights, powers, 15 or privileges of any persons incorporated by any local Act in force at the time of the passing of this Act, for the purpose of making and maintaining slaughter-houses.

Notice to be affixed on slaughter-houses.
P. H. (E.), s. 170.
P. H. (I.), s. 52.

104. The owner or occupier of any slaughter-house licensed or registered under this Act shall, within one month after the licensing 20 or registration of the premises, affix, and shall keep undefaced and legible on some conspicuous place on the premises, a notice with the words "Licensed slaughter-house," or "Registered slaughter-house," as the case may be.

Any person who makes default in this respect, or who neglects or 25 refuses to affix or renew such notice after requisition in writing from the urban authority, shall be liable to a penalty not exceeding *five pounds* for every such offence, and of *ten shillings* for every day during which such offence continues after conviction.

NUISANCES.

30

Definition of nuisances.
P. H. (E.) s. 91.
N. R., 1855, s. 8.
S. A., 1866, s. 19.

105. For the purposes of this Act,—

1. Any premises in such a state as to be a nuisance or injurious to health :
2. Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit so foul or in such a state as to be a nuisance 35 or injurious to health :
3. Any animal so kept as to be a nuisance or injurious to health :
4. Any accumulation or deposit which is a nuisance or injurious to health 40

5. Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family :

5 6. Any factory, workshop, or workplace (not already under the operation of any general Act for the regulation of factories or bakehouses), not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein :

15 7. Any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever ; and

20 Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance,

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act : Provided—

25 First, that a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on any business or manufacture if it be proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health :

35 Secondly, that where a person is summoned before any court in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the court shall hold that no nuisance is created within the meaning of this Act, and dismiss the complaint, if it is satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

A.D. 1877.

Duty of
sanitary
authority
to inspect
district for
detection of
nuisances.
P. H. (E.),
s. 92.

S. A., 1866,
s. 20.

Information
of nuisances
to sanitary
authority.
P. H. (E.),
s. 93.

N. R., 1855,
s. 10.

Sanitary
authority
to serve
notice
requiring
abatement
of nuisance.
P. H. (E.),
s. 94.
S. A., 1866,
s. 21.

On non-
compliance
with notice
complaint
to be made
to justice.
P. H. (E.),
s. 95.
N. R., 1855,
s. 12.

Power of
court of
summary
jurisdiction

106. It shall be the duty of every sanitary authority to cause to be made from time to time inspection of their district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act in order to abate the same; also to enforce the provisions of any Act in force within their district requiring fireplaces and furnaces to consume their own smoke. 5

107. Information of any nuisance under this Act in the district of any sanitary authority may be given to such sanitary authority by any person aggrieved thereby, or by any two inhabitant householders of such district, or by any officer of such authority, or by the relieving officer, or by any constable or officer of the police force of such district. 10

108. On the receipt of any information respecting the existence of a nuisance the sanitary authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default, or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose: Provided— 20

First. That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner: 25

Secondly. That where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default, or sufferance of the owner or occupier of the premises, the sanitary authority may themselves abate the same without further order. 30

109. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the notice is, in the opinion of the sanitary authority, likely to recur on the same premises, the sanitary authority shall cause a complaint relating to such nuisance to be made before a justice, and such justice shall thereupon issue a summons requiring the person on whom the notice was served to appear before a court of summary jurisdiction. 35

110. If the court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the court shall make an order on such person requiring him to comply 40

with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order, and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence; or an order both requiring abatement and prohibiting the recurrence of the nuisance.

A.D. 1877.
to make
order deal-
ing with
nuisance.
P. H. (E.),
s. 96.
N. R., 1855,
s. 13.

The court may by their order impose a penalty not exceeding *five pounds* on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for abatement or prohibition of the nuisance.

111. Where the nuisance proved to exist is such as to render a house or building, in the judgment of the court, unfit for human habitation, the court may prohibit the using thereof for that purpose until, in its judgment, the house or building is rendered fit for that purpose; and on the court being satisfied that it has been rendered fit for that purpose the court may determine its previous order by another, declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited.

Order of
prohibition
in case of
house unfit
for human
habitation.
P. H. (E.),
s. 97.
N. R., 1855,
s. 13.

112. Any person not obeying an order to comply with the requisitions of the sanitary authority or otherwise to abate the nuisance, shall, if he fails to satisfy the court that he has used all due diligence to carry out such order, be liable to a penalty not exceeding *ten shillings* per day during his default; and any person knowingly and wilfully acting contrary to an order of prohibition shall be liable to a penalty not exceeding *twenty shillings* per day during such contrary action; moreover, the sanitary authority may enter the premises to which any order relates, and abate the nuisance, and do whatever may be necessary in execution of such order, and recover in a summary manner the expenses incurred by them from the person on whom the order is made.

Penalty for
contraven-
tion of order
of court.
P. H. (E.)¹
s. 98.
N. R., 1855,
s. 14.

113. Where any person appeals against an order to the court of quarter sessions in manner provided by this Act, no liability to penalty shall arise, nor shall any proceedings be taken or work be done under such order, until after the determination of such appeal, unless such appeal ceases to be prosecuted.

Appeal
against
order.
P. H. (E.),
s. 99.
N. R., 1855,
ss. 15 and 16.

114. Whenever it appears to the satisfaction of the court of summary jurisdiction that the person by whose act or default the nuisance arises, or the owner or occupier of the premises is not known or cannot be found, then the order of the court may be addressed to and executed by the sanitary authority.

In certain
cases order
may be ad-
dressed to
sanitary
authority.
P. H. (E.),
s. 100.
N. R., 1855,
s. 17.

A.D. 1877.

Power to
sell manure,
&c.
P. H. (E.),
s. 101.
N. R., 1855,
s. 18.

Power of
entry of
sanitary
authority.
P. H. (E.),
s. 102.
N. R., 1855,
s. 11.
S. A., 1866,
s. 20.

115. Any matter or thing removed by the sanitary authority in abating any nuisance under this Act may be sold by public auction; and the money arising from the sale may be retained by the sanitary authority, and applied in payment of the expenses incurred by them with reference to such nuisance, and the surplus (if any) shall be paid, on demand, to the owner of such matter or thing. 5

116. The sanitary authority, or any of their officers, shall be admitted into any premises for the purpose of examining as to the existence of any nuisance thereon, or of enforcing the provisions of any Act in force within the district requiring fireplaces and furnaces to consume their own smoke, at any time between the hours of nine in the forenoon and six in the afternoon, or in the case of a nuisance arising in respect of any business, then at any hour when such business is in progress or is usually carried on. 10

Where under this Act a nuisance has been ascertained to exist, or an order of abatement or prohibition has been made, the sanitary authority, or any of their officers, shall be admitted from time to time into the premises between the hours aforesaid, until the nuisance is abated, or the works ordered to be done are completed, as the case may be. 15 20

Where an order of abatement or prohibition has not been complied with, or has been infringed, the sanitary authority, or any of their officers, shall be admitted from time to time at all reasonable hours, or at all hours during which business is in progress or is usually carried on, into the premises where the nuisance exists, in order to abate the same. 25

If admission to premises for any of the purposes of this section is refused, any justice, on complaint thereof on oath by any officer of the sanitary authority (made after reasonable notice in writing of the intention to make the same has been given to the person having custody of the premises), may, by order under his hand, require the person having custody of the premises to admit the sanitary authority, or their officer, into the premises during the hours aforesaid, and if no person having custody of the premises can be found, the justice shall, on oath made before him of that fact, by order under his hand, authorise the sanitary authority, or any of their officers, to enter such premises during the hours aforesaid. 30 35

Any order made by a justice for admission of the sanitary authority, or any of their officers, on premises shall continue in force until the nuisance has been abated, or the work for which the entry was necessary has been done. 40

117. Any person who refuses to obey an order of a justice for admission of the sanitary authority, or any of their officers, on any premises shall be liable to a penalty not exceeding *five pounds*.

A.D. 1877.

Penalty for disobedience of order.

P. H. (E.),

s. 103.

N. R., 1855,

s. 36.

Costs and expenses of execution of provisions relating to nuisances.

P. H. (E.),

s. 104.

N. R., 1855,

s. 19.

118. All reasonable costs and expenses incurred in making a complaint, or giving notice, or in obtaining any order of the court or any justice in relation to a nuisance under this Act, or in carrying the same into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order is made on the sanitary authority, or if no order is made, but the nuisance is proved to have existed when the complaint was made or the notice given, then of the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, such costs and expenses may be recovered from any person who is for the time being owner of such premises: Provided that such costs and expenses shall not exceed in the whole *one year's* rackrent of the premises.

Such costs and expenses, and any penalties incurred in relation to any such nuisance, may be recovered in a summary manner or in the Civil Bill Court or in any superior court; and the court shall have power to divide costs, expenses, and penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just.

Any costs and expenses recoverable under this section by a sanitary authority from an owner of premises may be recovered from the occupier for the time being of such premises; and the owner shall allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of the said premises, as if the same had been actually paid to such owner as part of such rent:

S. A., 1866,

s. 34.

Provided, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which, after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses, on application to him by the sanitary authority, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie on such occupier:

Provided also, that nothing herein contained shall affect any contract between any owner or occupier of any house, building, or other property whereby it is or may be agreed that the occupier

A.D. 1877. shall pay or discharge all rates, dues, and sums of money payable in respect of such house, building, or other property, or to affect any contract whatsoever between landlord and tenant.

Power of individual to complain to justice of nuisance. P. H. (E.), s. 105. N. R., 1860, s. 13.

119. Complaint may be made to a justice of the existence of a nuisance under this Act on any premises within the district of any sanitary authority by any person aggrieved thereby, or by any inhabitant of such district, or by any owner of premises within such district, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, appeal, and otherwise, as in the case of a complaint relating to a nuisance made to a justice by the sanitary authority :

Provided that the court may, if it thinks fit, adjourn the hearing or further hearing of the summons for an examination of the premises where the nuisance is alleged to exist, and may authorise the entry into such premises of any constable or other person for the purposes of such examination :

Provided also, that the court may authorise any constable or other person to do all necessary acts for executing an order made under this section, and to recover the expenses from the person on whom the order is made in a summary manner.

Any constable or other person authorised under this section shall have the like powers and be subject to the like restrictions as if he were an officer of the sanitary authority authorised under the provisions of this Act relating to nuisances to enter any premises and do any act thereon.

Power of officer of police to proceed in certain cases against nuisances. P. H. (E.), s. 106. S. A., 1866, s. 16. P. H. (I.), s. 36.

120. Where it is proved to the satisfaction of the Local Government Board that a sanitary authority have made default in doing their duty in relation to nuisances under this Act, the Local Government Board may authorise any officer of police or constabulary acting within the district of the defaulting authority to institute any proceeding which the defaulting authority might institute with respect to such nuisances, and such officer may recover in a summary manner, or in the civil bill or any superior court, any expenses incurred by him, and not paid by the person proceeded against, from the defaulting authority :

But such officer of police or constabulary shall not be at liberty to enter any house or part of a house used as the dwelling of any person without such person's consent, or without the warrant of a justice, for the purpose of carrying into effect this enactment.

Sanitary authority may take

121. Any sanitary authority may, if in their opinion summary proceedings would afford an inadequate remedy, cause any pro-

ceedings to be taken against any person in any superior court of law or equity to enforce the abatement or prohibition of any nuisance under this Act, or for the recovery of any penalties from or for the punishment of any persons offending against the provisions of this Act relating to nuisances, and may order the expenses of and incident to all such proceedings to be paid out of the fund or rate applicable by them to the general purposes of this Act.

A.D. 1877.
proceedings in superior court for abatement of nuisances. P. H. (E.), s. 107. N. R., 1855, s. 30.

122. Where a nuisance under this Act within the district of a sanitary authority appears to be wholly or partially caused by some act or default committed or taking place without their district, the sanitary authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances by this Act authorised, with the same incidents and consequences, as if such act or default were committed or took place wholly within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district where the act or default is alleged to be committed or take place.

Power to proceed where cause of nuisance arises without district. P. H. (E.), s. 108.

123. Where two convictions against the provisions of any Act relating to the overcrowding of a house have taken place in respect of the same house within a period of three months (whether the persons convicted were or were not the same) a court of summary jurisdiction may, on the application of the sanitary authority of the district in which the house is situated, direct the closing of the house for such period as the court may deem necessary.

Provision in case of two convictions for overcrowding. P. H. (E.), s. 109. S. A., 1866, s. 36.

124. For the purpose of the provisions of this Act relating to nuisances any ship or vessel lying in any river, harbour, or other water within the district of a sanitary authority shall be subject to the jurisdiction of that authority in the same manner as if it were a house within such district; and any ship or vessel lying in any river, harbour, or other water not within the district of a sanitary authority shall be deemed to be within the district of such sanitary authority as may have been or may be prescribed by the Local Government Board, and where no sanitary authority has been prescribed, then of the sanitary authority whose district nearest adjoins the place where such ship or vessel is lying.

Provision as to ships. P. H. (E.), s. 110. S. A., 1866, ss. 30 and 32.

The master or other officer in charge of any such ship or vessel shall be deemed for the purpose of the said provisions to be the occupier of such ship or vessel.

This section shall not apply to any ship or vessel under the command or charge of any officer bearing Her Majesty's

A.D. 1877. commission, or to any ship or vessel belonging to any foreign government.

Provisions of Act relating to nuisances not to affect other remedies.
P. H. (E.), s. 111.

125. The provisions of this Act relating to nuisances shall be deemed to be in addition to and not to abridge or affect any right, remedy, or proceeding under any other provisions of this Act, or under any other Act not by this Act repealed, or at law or in equity :

Provided that no person shall be punished for the same offence both under the provisions of this Act relating to nuisances and under any other law or enactment.

10

OFFENSIVE TRADES.

Restriction on establishment of offensive trade in urban district.
P. H. (E.), s. 112.
T. I. A., s. 50.

126. Any person who, after the passing of this Act, establishes within the district of an urban authority, without their consent in writing, any offensive trade ; that is to say, the trade of—

Blood boiler, or

15

Bone boiler, or

Fellmonger, or

Soap boiler, or

Tallow melter, or

Tripe boiler, or

20

Any other noxious or offensive trade, business, or manufacture,

shall be liable to a penalty not exceeding *fifty pounds* in respect of the establishment thereof, and any person carrying on a business so established shall be liable to a penalty not exceeding *forty shillings* for every day on which the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof.

25

Byelaws as to offensive trades in urban district.
P. H. (E.), s. 113.

127. Any urban authority may from time to time make byelaws with respect to any offensive trades established with their consent either before or after the passing of this Act, in order to prevent or diminish the noxious or injurious effects thereof.

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Duty of urban authority to complain to justice of nuisance arising from offensive trade.
P. H. (E.), s. 114.

128. Where any candle-house, melting-house, melting-place, or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling, burning, or crushing bones, or any manufactory, building, or place used for any trade, business, process, or manufacture causing effluvia, is certified to any urban authority by their sanitary officer, or by any two legally qualified medical practitioners, or by any ten inhabitants of the

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district of such urban authority, to be a nuisance or injurious to the health of any of the inhabitants of the district, such urban authority shall direct complaint to be made before a justice, who may summon the person by or on whose behalf the trade so complained of is carried on to appear before a court of summary jurisdiction.

A.D. 1877.
N. R., 1855,
ss. 27 and 30.
S. A., 1866,
s. 18.

The court shall inquire into the complaint, and if it appears to the court that the business carried on by the person complained of is a nuisance, or causes any effluvia which is a nuisance or injurious to the health of any of the inhabitants of the district, and unless it be shown that such person has used the best practicable means for abating such nuisance, or preventing or counteracting such effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier,) shall be liable to a penalty not exceeding *five pounds* nor less than *forty shillings*, and on a second and any subsequent conviction to a penalty double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of *two hundred pounds* :

Provided, that the court may suspend its final determination on condition that the person complained of undertakes to adopt, within a reasonable time, such means as the court may deem to be practicable and order to be carried into effect for abating such nuisance, or mitigating or preventing the injurious effects of such effluvia, or if such person gives notice of appeal to the court of quarter sessions in manner provided by this Act.

Any urban authority may, if they think fit, on such certificate as is in this section mentioned, cause to be taken any proceedings in any superior court of law or equity against any person in respect of the matters alleged in such certificate.

129. Where any house, building, manufactory, or place which is certified in pursuance of the last preceding section to be a nuisance or injurious to the health of any of the inhabitants of the district of an urban authority is situated without such district, such urban authority may take or cause to be taken any proceedings by that section authorised in respect of the matters alleged in the certificate, with the same incidents and consequences, as if the house, building, manufactory, or place were situated within such district; so, however, that summary proceedings shall not in any case be had otherwise than before a court having jurisdiction in the district where the house, building, manufactory, or place is situated.

Power to proceed where nuisance arises from offensive trade carried on without district.
P. H. (E.) s. 115.

A.D. 1877.

UNSOUND MEAT, &c.

Power of
medical
officer of
health to
inspect
meat, &c.

P. H. (E.),
s. 116.
N. R., 1863,
s. 2.
T. I. A.,
s. 47.
P. H. (I.),
s. 56.

130. Any sanitary officer of the sanitary authority may at all reasonable times inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter exposed for sale, or deposited in any place for the purpose 5 of sale, or of preparation for sale, and intended for the food of man, the proof that the same was not exposed or deposited for any such purpose, or was not intended for the food of man, resting with the party charged; and if any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter 10 appears to such sanitary officer to be diseased, or unsound, or unwholesome, or unfit for the food of man, he may seize and carry away the same himself, or by an assistant, in order to have the same dealt with by a justice.

Power of
justice to
order de-
struction of
unsound
meat, &c.

P. H. (E.),
s. 117.
N. R., 1863,
s. 2.
T. I. A.,
s. 47.
P. H. (I.),
s. 56.

131. If it appears to the justice that any animal, carcase, meat, 15 poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter so seized is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall condemn the same, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man; and the person to whom the same 20 belongs or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding *twenty pounds* for every animal, carcase, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour, or for the milk 25 or butter so condemned, or at the discretion of the justice, without the infliction of a fine, to imprisonment for a term of not more than *three months*.

The justice who, under this section, is empowered to convict the offender may be either the justice who may have ordered the article 30 to be disposed of or destroyed, or any other justice having jurisdiction in the place.

Penalty for
hindering
officer from
inspecting
meat, &c.
P. H. (E.),
s. 118.
N. R., 1863,
s. 3.

132. Any person who in any manner prevents any sanitary officer or other person duly authorised by the sanitary authority of the sanitary district from entering any premises in such district and 35 inspecting any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter, exposed or deposited for the purpose of sale, or of preparation for sale, and intended for the food of man, or who obstructs or impedes any such officer or person, when carrying into execution the provisions of this Act, 40 shall be liable to a penalty not exceeding *five pounds*.

133. On complaint made on oath by a sanitary officer, or other person duly authorised by a sanitary authority, any justice may grant a warrant to any such officer or person to enter any building or part of a building in which such officer or person has reason for believing that there is kept or concealed any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter which is intended for sale for the food of man, and is diseased, unsound, or unwholesome, or unfit for the food of man; and to search for, seize, and carry away any such animal or other article in order to have the same dealt with by a justice under the provisions of this Act.

A.D. 1877.
Search warrant may be granted by a justice.
P. H. (E.), s. 119.
P. H. (I.), s. 57.

Any person who obstructs any such officer or person in the performance of his duty under such warrant shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding *twenty pounds*.

134. The grand jury of any county may, for the purpose of providing for the due execution of The Sale of Food and Drugs Act, 1875, from time to time, without previous application to presentment sessions, present in advance such moneys as may in their opinion be necessary, and the treasurer, or any person discharging the duties of treasurer, or finance committee of such county may, out of any money in his or their hands raised in pursuance of any such presentment, from time to time advance to any inspector of weights and measures or police constable such sums as he or they may think necessary for the purpose aforesaid.

Grand juries may present in advance for the purpose of providing for The execution of the Sale of Food and Drugs Act, 1875.

INFECTIOUS DISEASES.

Provisions against Infection.

135. Where any sanitary authority are of opinion, on the certificate of their sanitary officer, or of any legally qualified medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be the duty of such authority to give notice in writing to the owner or occupier of such house or part thereof, requiring him to cleanse and disinfect such house or part thereof and articles within a time specified in such notice.

Duty of sanitary authority to cause premises to be cleansed and disinfected.
P. H. (E.), s. 120.
S. A., 1866, s. 22.

If the person to whom notice is so given fails to comply therewith,

A.D. 1877. he shall be liable to a penalty of not less than *one shilling* and not exceeding *ten shillings* for every day during which he continues to make default; and the sanitary authority shall cause such house or part thereof and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default 5 in a summary manner.

Where the owner or occupier of any such house or part thereof is from poverty or otherwise unable, in the opinion of the sanitary authority, effectually to carry out the requirements of this section, such authority may, without enforcing such requirements on such 10 owner or occupier, with his consent cleanse and disinfect such house or part thereof and articles, and defray the expenses thereof.

Destruction of infected bedding, &c.
P. H. (E.),
s. 121.
P. H. (I.),
s. 50.

136. Any sanitary authority may direct the destruction of any bedding, clothing, or other articles which have been exposed to infection from any dangerous infectious disorder, and may give 15 compensation for the same.

Provision of means of disinfection.
P. H. (E.),
s. 122.
S. A., 1866,
s. 23.

137. Any sanitary authority may provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding, clothing, or other articles which have become infected, and may cause any articles brought for disinfection to be disinfected free of 20 charge.

Provision of conveyance for infected persons.
P. H. (E.),
s. 123.
S. A., 1866,
s. 24.

138. Any sanitary authority may provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any infectious disorder, and may pay the expense of conveying therein any person so suffering to a hospital or 25 other place of destination.

Removal of infected persons without proper lodging to hospital by order of justice.
P. H. (E.),
s. 124.
S. A., 1866,
s. 26.
P. H. (I.),
s. 54.

139. Where any suitable hospital or place for the reception of the sick is provided within the district of a sanitary authority, or within a convenient distance of such district, any person who is suffering from any dangerous infectious disorder, and is without 30 proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board any ship or vessel, may, on a certificate signed by a legally qualified medical practitioner, and with the consent of the superintending body of such hospital or place, be removed, by order of any justice, to such hospital or place 35 at the cost of the sanitary authority; and any person so suffering, who is lodged in any common lodging-house, may, with the like consent and on a like certificate, be so removed by order of the sanitary authority.

An order under this section may be addressed to such constable 40

or officer of the sanitary authority as the justice or sanitary authority making the same may think expedient; and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding *ten pounds*. A.D. 1877.

5 **140.** Any person who—

(1.) While suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop, inn, or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor, or driver thereof that he is so suffering; or

Penalty on exposure of infected persons and things. P. H. (E.), s. 126. S. A., 1866, ss. 25 and 38.

(2.) Being in charge of any person so suffering, so exposes such sufferer; or

(3.) Gives, lends, sells, transmits, or exposes, without previous disinfection any bedding, clothing, rags, or other things which have been exposed to infection from any such disorder,

shall be liable to a penalty not exceeding *five pounds*; and a

person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the court to pay such owner and driver the amount of any loss and expense they may incur in carrying into effect the provisions of this

Act with respect to disinfection of the conveyance.

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags, or other things for the purpose of having the same disinfected.

141. Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder, and if he fails to do so he shall be liable to a penalty not exceeding *five pounds*; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

Penalty on failing to provide for disinfection of public conveyance. P. H. (E.), s. 127. S. A., 1866, s. 25.

142. Any person who knowingly lets for hire any house, room, or part of a house in which any person has been suffering from any dangerous infectious disorder, without having such house, room, or part of a house, and all articles therein liable to retain infection,

Penalty on letting houses in which infected

A.D. 1877. disinfecting to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding *twenty pounds*.

persons have
been lodging.
P. H. (E.),
s. 128.
S. A., 1866,
s. 39.

For the purposes of this section, the keeper of an inn shall be deemed to let for hire part of a house to any person admitted as a guest into such inn.

Penalty on
persons
letting
houses
making false
statements
as to infec-
tious disease.
P. H. (E.),
s. 129.
P. H. (I.),
s. 59.

143. Any person letting for hire or showing for the purpose of letting for hire any house or part of a house who, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of their being or within six weeks previously having been therein any person suffering from any dangerous infectious disorder, knowingly makes a false answer to such question, shall be liable, at the discretion of the court, to a penalty not exceeding *twenty pounds*, or to imprisonment, with or without hard labour, for a period not exceeding *one month*.

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Justices may
make an
order for the
vaccination
of any child
under 14
years.
P. H. (I.),
s. 58.

144. If any registrar, or any officer appointed by the guardians to enforce the provisions of the Acts relating to vaccination in Ireland, shall give information in writing to a justice of the peace that he has reason to believe that any child under the age of fourteen years, being within the union or district for which the informant acts, has not been successfully vaccinated, and that he has given notice to the father or mother of the said child, or to the person having the care, nurture, or custody of such child, to procure its being vaccinated, and that this notice has been disregarded, the justice may summon such father or mother or person to appear with the child before him at a certain time and place, and upon the appearance, if the justice shall find, after such examination as he shall deem necessary, that the child has not been vaccinated, nor has already had the smallpox, he may, if he see fit, make an order under his hand and seal directing such child to be vaccinated within a certain time; and if at the expiration of such time the child shall not have been so vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall be proceeded against summarily, and, unless he can show some reasonable ground for his omission to carry the order into effect, shall be liable to a penalty not exceeding *twenty shillings*.

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Provided that if the justice shall be of opinion that the person is improperly brought before him, and shall refuse to make any order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the justice.

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- 145.** The Local Government Board may from time to time make, alter, and revoke such regulations as to the said Board may seem fit, with a view to the treatment of persons affected with cholera, or any other epidemic, endemic, or infectious disease, and preventing the spread of cholera and such other diseases, as well on the seas, rivers, and waters of the United Kingdom, and on the high seas within three miles of the coasts thereof, as on land; and may declare by what authority or authorities such regulations shall be enforced and executed. Regulations so made shall be published in the Dublin Gazette, and such publication shall be for all purposes conclusive evidence of such regulations.

A.D. 1877.
Power of
Local
Government
Board to
make regu-
lations.
P. H. (E.),
s. 130.
S. A., 1866,
s. 52.

Any person wilfully neglecting or refusing to obey or carry out or obstructing the execution of any regulation made under this section shall be liable to a penalty not exceeding *fifty pounds*.

P. H. (I.),
s. 60.

15 PREVENTION OF THE SPREAD OF INFECTIOUS DISEASES.

- 146.** Whenever any part of Ireland appears to be threatened with or is affected by any formidable epidemic, endemic, or infectious disease, the Local Government Board may make, and from time to time alter and revoke, regulations for all or any of the following purposes; (namely,)
- (1.) For the speedy interment of the dead; and
 - (2.) For house to house visitation;
 - (3.) For the provision of medical aid and hospital accommodation; and
 - (4.) For the promotion of cleansing, ventilation, and disinfection, and for guarding against the spread of disease.
- and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any sanitary authority, and to apply to any ships or vessels, whether on inland waters, or on arms or parts of the sea within the jurisdiction of the Lord High Admiral of the United Kingdom or the commissioners for executing the office of the Lord High Admiral for the time being, for the period in such order mentioned; and may by any subsequent order abridge or extend such period. For the purpose of any regulations to be made under this section any ship or vessel lying in any river, harbour, or other water within the district of a sanitary authority shall be subject to the jurisdiction of that authority in the same manner as if it were a house within such district; and any ship or vessel lying in any water not within the district of a sanitary authority shall be deemed to be within the district of such sanitary authority as may have been or may be prescribed by the

Power of
Local
Government
Board to
make regu-
lations for
prevention
of the spread
of diseases.
P. H. (E.),
s. 134.
D. P., ss. 5,
6, 7, and 11.
S. A., 1866,
ss. 30, 37, 62.
36 & 37 Vict.
c. 78.

A.D. 1877. Local Government Board, and where no sanitary authority has been prescribed, then of the sanitary authority whose district nearest adjoins the place where such ship or vessel is lying.

Publication of regulations and orders.
P. H. (E.), s. 135.
D. P., s. 7.
Boards of guardians to see to the execution of regulations.
P. H. (E.), s. 136.

147. All regulations and orders so made by the Local Government Board shall be published in the Dublin Gazette, and such publication shall be conclusive evidence thereof for all purposes. 5

148. The board of guardians of any union within which, or within part of which, regulations so issued by the Local Government Board are declared to be in force, shall superintend and see to the execution thereof, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts, matters, and things as may be necessary for mitigating any such disease, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require. Moreover, such board of guardians may from time to time direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any such regulations. 10 15

Any such expenses incurred by any board of guardians with respect to any ship or vessel lying in any river, harbour, or water, shall, in case the Local Government Board shall so direct, be defrayed out of a common fund to be contributed by the sanitary districts which, or any part of which, abut on such river, harbour, or water, in such proportions as the Local Government Board thinks just and shall order. 20

For the purpose of obtaining payment from any contributory sanitary district of the sum to be contributed by it, such board of guardians shall issue its precept to the sanitary authority of each such contributory district, requiring them within a time limited by the precept to pay the amount therein mentioned to the person therein specified. 25 30

Any contribution due from any sanitary authority under this section shall be a debt due from them and may be recovered accordingly, such contribution being deemed expenses of such sanitary authority incurred by them in carrying into effect the provisions of this Act. 35

Power of entry.
P. H. (E.), s. 137.
D. P., s. 4.

149. The board of guardians of any union within which, or within part of which, regulations so issued by the Local Government Board are declared to be in force, and their officers, shall have power of entry on any premises or ships or vessels for the purpose of executing or superintending the execution of any regulations so issued by the Local Government Board as aforesaid. 40

- 150.** Whenever, in compliance with any regulation so issued by the Local Government Board as aforesaid, any poor law medical officer performs any medical service on board any ship or vessel he shall be entitled to charge extra for such service, at the general rate of his allowance for services for the union, district, or place for which he is appointed; and such charges shall be payable by the captain of such vessel on behalf of the owners thereof, together with any reasonable expenses for the treatment of the sick.
- 10** Where such services are rendered by any medical practitioner who is not a poor law medical officer, he shall be entitled to charges for any service rendered on board, with extra remuneration on account of distance, at the same rate as those which he is in the habit of receiving from private patients of the class of those attended
- 15** and treated on shipboard, to be paid as aforesaid. In case of dispute in respect of such charges, such dispute may, where the charges do not exceed *twenty pounds*, be determined by a court of summary jurisdiction; and such court shall determine summarily the amount which is reasonable, according to the accustomed rate of charge
- 20** within the place where the dispute arises for attendance on patients of the like class as those in respect of whom the charge is made.

151. The Local Government Board may, if they think fit, by order authorise or require any two or more boards of guardians to act together for the purposes of the provisions of this Act relating to prevention of epidemic diseases, and may prescribe the mode of such joint action and of defraying the costs thereof.

152. Any person who—

- (1.) Wilfully violates any regulation so issued by the Local Government Board as aforesaid; or,
- 30** (2.) Wilfully obstructs any person acting under the authority or in the execution of any such regulation, shall be liable to a penalty not exceeding *five pounds*.

MORTUARIES, &c.

153. Any sanitary authority may, and if required by the Local Government Board shall, provide and fit up a proper place for the reception of dead bodies before interment (in this Act called a mortuary), and may make byelaws with respect to the management and charges for use of the same; they may also provide for the decent and economical interment, at charges to be fixed by such

40 byelaws, of any dead body which may be received into a mortuary.

154. Where the body of one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the

A.D. 1877.
Poor law medical officer entitled to costs of attendance on board vessels. P. H. (E.), s. 138. D. P., s. 12.

Local Government Board may combine boards of guardians. P. H. (E.), s. 139. S. A., 1866, s. 40. Penalty for violating or obstructing the execution of regulations. P. H. (E.) s. 140. D. P., s. 14.

Power of sanitary authority to provide mortuaries. P. H. (E.) s. 141. S. A., 1866, s. 27.

Justice may in certain cases order removal of

A.D. 1877. inmates of the same house or room is retained in such house
 dead body or room, any justice may, on a certificate signed by a legally
 to mortuary. qualified medical practitioner, whose fee for giving the certi-
 P. H. (E.), ficate shall be ten shillings, to be paid by the sanitary autho-
 s. 142. rity, order the body to be removed, at the cost of the sani- 5
 S. A., 1866, tary authority, to any mortuary provided by such authority,
 s. 27. and direct the same to be buried within a time to be limited in
 such order; and unless the friends or relations of the deceased
 undertake to bury the body within the time so limited, and do
 bury the same, it shall be the duty of the relieving officer to bury 10
 such body at the expense of the poor rate, but any expense so
 incurred may be recovered by the relieving officer in a summary
 manner from any person legally liable to pay the expense of such
 burial.

Any person obstructing the execution of an order made by a 15
 justice under this section shall be liable to a penalty not exceeding
five pounds.

Power of
 sanitary
 authority
 to provide
 places for
 post-mortem
 examina-
 tions.
 P. H. (E.),
 s. 143.
 S. A., 1866,
 s. 28.

155. Any sanitary authority may provide and maintain a proper
 place (otherwise than at a workhouse or at a mortuary) for the
 reception of dead bodies during the time required to conduct any 20
 post-mortem examination ordered by a coroner or other constituted
 authority, and may make regulations with respect to the manage-
 ment of such place; and where any such place has been provided, a
 coroner or other constituted authority may order the removal of the
 body to and from such place for carrying out such post-mortem 25
 examination, such costs of removal to be paid in the same manner
 and out of the same fund as the costs and fees for post-mortem
 examinations when ordered by the coroner.

PART III.

BURIAL GROUNDS.

Sanitary
 authority to
 be burial
 board.

156. The Sanitary Authority of each Sanitary District shall 30
 be the burial board for such district, and such burial board shall,
 in carrying into execution the provisions of this Part of this Act,
 be subject to the control and direction of the Local Government
 Board. 35

Vesting of
 burial ground
 by Church
 Tempo-
 ralities Com-
 missioners.

157. Every burial ground heretofore vested in a board of
 guardians by the Commissioners of Church Temporalities in Ireland
 shall be transferred to and shall vest in the burial board as consti-
 tuted by this Act of the district within which it is situate, subject 40
 to all rights, liabilities, and obligations affecting the same, and
 any burial ground hereafter to be vested by the said Commis-
 sioners in a burial board shall be vested by them in the burial board
 of the district in which such burial ground shall be situate, anything
 to the contrary heretofore enacted notwithstanding.

A.D. 1877.

All burial grounds and all property, real and personal, including all interests, rights, and easements in, to, and out of property, real and personal (including things in action), heretofore belonging to or vested in any burial board under the Burial Grounds Acts shall
 5 be transferred to and vest in the burial board (as constituted by this Act) of the district within which the same are situate, subject to all rights, debts, liabilities, and obligations affecting the same.

Provided that every burial ground heretofore acquired by any burial board under the provisions of the Burial Grounds Acts, or of
 10 any local Act, situate wholly or in part without the limits of the district of such burial board as prescribed by this Act, shall for all the purposes of this Act be deemed to be situate wholly within the limits of the district of such burial board.

All such property shall be held by such burial board upon trust
 15 for the district or several places respectively within its jurisdiction as a burial board under this Act.

158. In case it shall appear to the Local Government Board, upon representation made to it or otherwise, that for the protection of public health the opening of any new burial ground
 20 in any city or town, or within any other limits in Ireland, save with the approval of the Local Government Board, should be prohibited, or that for such protection of public health, or for the maintenance of public decency, or to prevent a violation of the respect due to the remains of deceased persons, that burials in any city or town, or
 25 within any other limits, or in any burial ground or places of burial in Ireland, should be wholly discontinued, or should be discontinued subject to any exception or qualification, it shall be lawful for the Local Government Board to order that no new burial ground shall be opened in any city or town or within such limits, without
 30 such previous approval, or that after a time mentioned in the order burials in any such city or town, or within such limits, or in such burial grounds, or places of burial, shall be discontinued wholly or subject to any exceptions or qualifications mentioned in such order, and so from time to time as circumstances may
 35 require.

On representation duly made, Local Government Board may restrain the opening of new burial grounds and order discontinuance of burials in specified places.
 B. G., 1856, s. 5.

159. When and so often as such representation shall have been made, or otherwise as occasion may require, it shall and may be lawful for the Local Government Board, if it shall think fit, to direct an inquiry to be made in the place or district in which any
 40 such burial ground or place of burial may be situate, in respect of any matter in relation thereto, after notice shall have been given of the time, place, and subject of such inquiry, such notice to be published once in the Dublin Gazette, and affixed on the doors of the church and chapel of, or in some other conspicuous places within, the parish

Power to direct local inquiry.

A.D. 1877. in which such burial ground may be situate, three weeks before the time of holding such inquiry; and it shall be lawful for one of the inspectors of the said Local Government Board to hold such inquiry, and upon receipt of the report of such inspector as to the result of such inquiry, and of the evidence, if any, taken thereon, it shall be lawful for the Local Government Board to act, and deal with, and make such order in the case, in such manner and in such form, and without further notice, as to them may seem meet; and at any time thereafter to vary such order as occasion may require, and every such order or amended order shall be deemed in all respects valid and effectual in law. 5 10

Local Government Board may postpone order for discontinuance of Burials, &c. B. G., 1856, s. 6.

160. It shall be lawful for the Local Government Board to postpone the time appointed by any order for the discontinuance of burials, or otherwise to vary any order made under this Act, (whether the time thereby appointed for the discontinuance of burials thereunder or other operation of such order shall or shall not have arrived,) as to the said board shall seem fit; and every order of the said board made for varying any order previously made under this Act shall be deemed valid and effectual in law. 15

Order not to extend to burials grounds of Quakers, unless expressly included. B. G., 1856, s. 7.

161. No such order as aforesaid shall be deemed to extend to any burial ground of the people called Quakers, used solely for the burial of the bodies of such people, unless the same shall be expressly mentioned in such order, and nothing in this Act shall prevent the burial of the bodies of such people in any such burial ground in which for the time being interment is not required to be discontinued. 20 25

Order not to extend to burial grounds of French Protestants, unless expressly included. B. G., 1856, s. 8.

162. No such order as aforesaid shall be deemed to extend to the burial grounds or cemeteries situate respectively in Merrion Row and Peter Street in the city of Dublin, the property of the French Protestants, and used solely for the burial of the bodies of the descendants of the French Protestant refugees, unless the same be expressly mentioned in such order, and nothing in this Act shall prevent the burial as heretofore in such burial grounds or cemeteries respectively, so situate in Merrion Row and Peter Street aforesaid, of the bodies of such descendants of French Protestant refugees. 30 35

Penalty on persons burying contrary to the provisions of orders. B. G., 1856, s. 9.

163. If any person, after the time mentioned in any order under this Act for the discontinuance of burials, knowingly and wilfully buries any body, or in anywise acts or assists in the burial of any body, in or under any church, chapel, churchyard, burial ground, or place of burial or elsewhere, as the case may be, within the limits in which burials have by such order been ordered to be discontinued, in violation of the provisions of any such order, 40

every person so offending shall, upon conviction thereof before a court of summary jurisdiction, forfeit a sum not exceeding *ten pounds*. A.D. 1877.

164. Notwithstanding any such order as aforesaid where, by usage or otherwise, there is at the time of the passing of this Act any usage or right of interment in or under any church or chapel affected by such order, or in any vault of any such church or chapel, or of any churchyard or burial ground affected by such order, and where any exclusive right of interment in any such burial ground has been purchased or acquired before the passing of the Burial Grounds (Ireland) Act, 1856, it shall be lawful for the Local Government Board, from time to time, on application being made to it, and on being satisfied that the exercise of such right is not injurious to health, to grant a license for the exercise of such right, during such time and subject to such conditions and restrictions as the said board may think fit; but such license shall not prejudice or in anywise affect the authority of any person who if this Act had not been passed might have prohibited or controlled interment under such right, nor dispense with any consent which would have been required under such right, nor otherwise give to such right any greater force or effect than the same would have had if this Act had not been passed.

Saving of certain rights to bury in vaults.
B. G., 1856, s. 10.

165. Where by any such order as aforesaid it is ordered that no new burial ground shall be opened in any city or town or within any limits in such order mentioned, without the previous approval of the Local Government Board, no new burial ground or cemetery shall be provided and used in such city or town or within such limits without such previous approval.

New Burial grounds not to be opened contrary to order.
B. G., 1856, s. 11.

166. Where by usage or otherwise any grave, vault, or place of interment in any burial ground or cemetery has been the burying place of and used as such by any family, no corpse of any person not having been a member of such family shall be buried in such grave, vault, or place of interment without the consent in writing of some immediate relative of the member of such family last interred therein; and if any person shall knowingly act or assist in any burial contrary to the provisions of this section, every such person shall be liable, on summary conviction before a court of summary jurisdiction, to a penalty not exceeding *ten pounds*; and upon any complaint made under this section it shall be lawful for the court to make such order for the exhumation and re-interment of such corpse so buried as to such court shall seem fit.

No corpse to be buried in private grave without consent.
B. G., 1856, s. 12.

167. No animal of any description shall be allowed to graze or to be within the limits of any burial ground having a sufficient fence; and it shall be lawful for a court of summary jurisdiction

No animal to be allowed to graze in burial places
B. G., 1856, s. 13.

A.D. 1877. to order the owners of any animal or animals so found within such burial ground to pay as a fine a sum not exceeding *two shillings* and not less than *one shilling* for each animal so found as aforesaid, and to levy and dispose of said fine in the same manner as fines for trespass of cattle are now levied and disposed of under the provisions of the law at present in force in Ireland.

Upon requisition of rate-payers or members of burial board, meeting of board to be convened to determine whether burial ground shall be provided.
B. G., 1856, s. 14.

168. In any district in which no burial ground has been closed the clerk to the burial board shall, on the requisition in writing of ten or more persons assessed for the relief of the poor in such burial board district, or upon the requisition in writing of any two or more members of the burial board, convene a special meeting of the burial board, for determining whether a burial ground shall be provided under this Act for the burial board district or any part thereof; and if a majority of such meeting shall resolve that a burial ground shall be provided under this Act, such new burial ground shall be provided, in the same manner as if an old burial ground had been closed as herein-after directed.

When burial grounds are closed by order, board to provide suitable burial grounds, &c.
B. G., 1856, s. 15.

169. Whenever any burial ground shall have been closed in any burial board district, by order, the burial board may, if it shall seem necessary or expedient, forthwith proceed to provide a suitable and convenient burial ground in place thereof, and to make arrangements for facilitating interments therein, under the provisions of this Act.

Consent of owners of houses to new burial grounds, where necessary.
B. G., 1856, s. 16.

170. A burial ground may be provided under this Act, either within or without the limits of the burial board district, and such burial ground shall, for the purposes of this Act, be considered as if the same was within such limits; but no ground not already used as or appropriated for a cemetery shall be appropriated as a burial ground, or as an addition to a burial ground, under this Act, nearer than one hundred yards to any dwelling-house, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

Board may purchase land for cemeteries, or contract with cemetery companies.
B. G., 1856, s. 16.

171. It shall be lawful for the burial board to contract for and purchase or take any lands, and buildings thereon, for the purpose of forming a burial ground, or for making additions to any burial ground formed or purchased under the Burial Grounds Acts or this Act, as such board may think fit, or to purchase from any company or persons entitled thereto any cemetery or cemeteries or part or parts thereof, subject to the rights in vaults and graves and other subsisting rights which may have been previously granted therein: Provided always, that it shall be lawful for such board, in lieu of providing any such burial ground, to contract with any such

company or persons entitled as aforesaid, for the interment in such cemetery or cemeteries, and either in any allotted part of such cemetery or cemeteries or otherwise, and upon such terms as the burial board may think fit, of the bodies of persons who would have
 5 had rights of interment in the burial grounds of such district or place.

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172. Where any burial ground is closed under the provisions of the Burial Grounds Acts or this Act, and a new burial ground provided in place thereof, the whole burthen upon and liabilities
 10 attaching to the burial ground so closed shall be transferred to and become burthens upon the burial ground provided in place thereof, and the revenues of the new burial ground shall be liable for the same in like manner as the revenues of the burial ground so closed were liable.

Liabilities of old burial grounds transferred to new burial grounds.
 B. G., 1856, s. 19.

173. The general management, regulation, and control of the burial grounds provided under the Burial Grounds Acts or this Act shall, subject to the provisions of this Act and the regulations to be made thereunder, be vested in and exercised by the respective burial boards providing the same: Provided always, that any
 20 question which shall arise touching the fitness of any monumental inscription placed or proposed to be placed in any part or portion of such grounds shall be determined by the proper ministers of the religious denomination to which such part or portion shall have been allotted: Provided also, that at the burials of the bodies of
 25 members of any church or religious denomination, burial service according to the respective rites of such church or denomination may be performed or celebrated by the proper ministers of such church or denomination.

Management to be vested in burial boards.
 B. G., 1856, s. 20.

174. Any burial board, under such restrictions and conditions as
 30 they think proper, may sell the exclusive right of burial, either in perpetuity or for a limited period, in such parts of any burial ground provided by such board as may be appropriated to that purpose, and also the right of constructing any chapel, vault, or place of burial, with the exclusive right of burial therein, in perpetuity or for a
 35 limited period, and also the right of erecting and placing any monument, gravestone, tablet, or monumental inscription in such burial ground, subject to the provisions herein-before contained: Provided always, that such exclusive rights shall not extend in all to a space of one half of such burial ground.

Boards may sell exclusive rights of burial, and rights to erect monuments, &c.
 B. G., 1856, s. 21.

40 175. Any burial board may make such arrangements as they may from time to time think fit for regulating and facilitating the conveyance of the bodies of the dead from the place of death to any burial ground subject to the provisions of this Act and

Boards may make arrangements for facilitating the con-

A.D. 1877. subject thereto and to the regulations to be made thereunder; and it shall be lawful for any of the aforesaid cemetery companies from whom the burial board shall have made any such purchase, or with whom the burial board shall have made any such contract as herein-before provided, to undertake any such arrangement, and to carry the same into effect subject to the provisions and regulations aforesaid. 5

Places may be provided for reception of bodies until interment. B. G., 1856, s. 23. 176. It shall be lawful for any burial board, subject to the provisions of this Act and the regulations to be made thereunder, to hire, take, or lease, or otherwise to provide, fit and proper places in which bodies may be received and taken care of previously to interment, and to make arrangements for the reception and care of the bodies to be deposited therein; and for providing such places such boards may exercise all the powers vested in them under this Act for providing burial grounds. 10 15

Local Government Board may make regulations as to burial grounds, &c. B. G., 1856, s. 24. 177. It shall be lawful for the Local Government Board from time to time to make such rules and regulations in relation to the burial grounds and places of reception of bodies previous to interment under this Act as may seem proper for the protection of the public health and the maintenance of public decency, and for the proper registry of interments, and to provide for the imposition and recovery of penalties not exceeding *ten pounds* for each offence, for the breach or non-observance of such regulations; and the burial boards, and all other persons having the care of such burial grounds and places for the reception of bodies, shall conform to and obey such regulations. 20 25

Exemption of burials from toll. B. G., 1856, s. 25. 178. No funeral procession, or carriage in such procession, and no foot passenger, shall, while going to or returning from the place of interment on the occasion of any interment, be liable to any toll or pontage. 30

Board may lay out and embellish burial ground. B. G., 1856, s. 26. 179. It shall be lawful for any burial board to enclose, lay out, and embellish any burial ground subject to the jurisdiction of such board, in such manner as may be fitting or proper: Provided always, that in all cases in which a burial board shall provide a new burial ground under this Act, it shall be lawful for such burial board, with the sanction of the Local Government Board, to divide such new burial ground or some part thereof into certain parts and proportions, to be allotted in such manner as to the Local Government Board shall seem fit, for the burial of the members of any particular religious denomination; and each such allotment shall, as the case may require, be consecrated according to the rites and by the proper ministers of the respective religious denominations for which each such allotment is so set apart. 35 40

180. It shall be lawful for any burial board to contract for and purchase any lands, and buildings thereon, for the purpose of making additions to any burial ground, although such burial ground shall not have been formed or purchased under the authority of this Act or any other Act of Parliament, provided that such burial ground is not attached or contiguous to any church or chapel or place of worship actually used for divine worship, nor is situate in a private demesne; and such burial board shall have and may exercise, with respect to the acquisition and management of such additions, all the powers and authorities and be subject to all the provisions contained in this Act with respect to the acquisition and management of new burial grounds.

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Provisions
of Act
extended to
additions to
existing
burial
grounds.
B. G., 1860,
s. 1.

181. When any burial ground not being attached or contiguous to any such church, chapel, or place of worship, nor situate as aforesaid, is without any sufficient fence, or is not kept in decent order, the burial board for the district within which such burial ground shall be situated may, by notice in writing to the owner of such burial ground, require him properly to fence the same or put the same in decent order within a time to be specified in such notice, not being less than *six calendar months*, and if such notice be not complied with within the time specified in such notice, the said burial board may securely fence such burial ground, and put the same into decent order, and the expense thereof shall be deemed part of the expenses incurred by the burial board in the execution of this Act.

When burial
ground not
fenced or
kept in de-
cent order
by owner,
burial board
may serve
a notice re-
quiring the
same to be
fenced, &c.
B. G., 1860,
s. 2.

182. When such owner cannot be ascertained, or notice as aforesaid cannot be served, such burial board may give notice, by public advertisement in some newspaper circulating in the county wherein such burial ground is situated, of their intention to fence such burial ground, or put the same in decent order, as the case may be, and after the expiration of a time to be specified in such notice, not being less than *six calendar months*, may proceed to fence such burial ground, or put the same in decent order; and when such notice shall have been given or advertisement published and the expense of fencing of such burial ground or putting the same in decent order shall have been defrayed by such burial board, as herein-before mentioned, such burial ground shall be under the control and management of such burial board, and they shall be deemed the owners thereof until such time as they shall have been reimbursed by the owner thereof the expense so incurred by them, with interest thereon at the rate of *five pounds* per centum per annum.

After six
months from
service of
notice, &c.
burial board
empowered
to fence
burial
ground, and
keep the
same in
order, and
take the
management.
B. G., 1860,
s. 3.

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Burial
boards may
accept the
management
of burial
grounds.
B. G., 1860,
s. 4.

183. When the owner of any burial ground shall be desirous of putting the same under the management of the burial board of the district, it shall be lawful for such burial board to accept the management thereof, and thereupon the said burial board shall be deemed the owners thereof, and shall have and exercise all the powers and authorities of this Act, with respect to the same, until the owner, his heirs or assigns, shall repay to the said burial board all expenses incurred by them in securely fencing such burial ground or putting the same into decent order, with interest thereon at the rate of *five pounds per centum per annum*.

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Board to fix
payments for
interments
in burial
grounds.
B. G., 1856,
s. 27.

184. Every burial board under this Act shall, subject to the approval of the Local Government Board, fix and receive such fees and payments in respect of interments in any burial ground provided by such board as they shall think fit, and from time to time revise and alter such fees and payments; and a table showing such fees and payments shall be printed and published, and shall be affixed and at all times continued on some conspicuous part of such burial ground.

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Minutes of
proceedings
of board to
be entered
in a book.
Board to
keep ac-
counts,
which shall
be open to
inspection.
B. G., 1856,
s. 28.

185. Minutes of all proceedings of the burial board under this Act, with the names of the members who attend each meeting, shall be kept; and the burial board shall provide and keep books in which shall be entered true and regular accounts of all sums of money received and paid by such board for or on account of the purposes of this Act, and of all liabilities incurred by them for such purposes, and of the several purposes for which such sums of money are paid and such liabilities incurred; and all such books shall at all reasonable times be open to the examination of every member of the burial board and of every person liable to pay poor rates in respect of property within the district, without fee, who may take copies of or extracts from such books, or any part thereof, without paying for the same.

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Board may
appoint and
remove
officers, &c.
B. G., 1856,
s. 29.

186. A burial board may appoint and may remove, at pleasure a clerk and such other officers and servants as shall be necessary for the business of the board in respect of or for the purposes of their burial ground, and may appoint reasonable salaries, wages, and allowances for such clerk, officers, and servants, and, when necessary, may hire a sufficient office for transacting the business of such burial board; and the provisions and clauses of "The Commissioners Clauses Act, 1847," with respect to the "appointment and accountability of the officers of the commissioners," shall, so far as the same are not varied by or inconsistent with the provisions of this Act, be incorporated therewith; and the commissioners in the said Act shall signify the "burial board" under this Act.

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187. All burials within any burial ground provided under this Act shall be registered in a register book to be provided by the burial board providing such ground, and kept for that purpose; and such register book shall be so kept by some officer appointed
 5 by the said board to do that duty; and in such register book shall be distinguished in what parts of the burial ground the several bodies (the burials of which are entered in such register book) are buried; and such register book, or copies or extracts thereof, or any document purporting to be a copy or extract thereof, shall be
 10 received in all courts as evidence of the burials entered therein.

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Register of burials in every ground provided under this Act to be kept by Burial Board.
 B. G., 1856, s. 30.

188. It shall be lawful for the guardians of any union or the council of any borough to appropriate for the purposes of burial grounds under this Act any land belonging to the board of guardians of such union or to the body corporate of such borough respectively,
 15 or vested in any trustees, or others for the general benefit of the union or borough respectively, or any specific charity: Provided always, that when any land so appropriated shall be subject to any charitable use such land shall be taken on such conditions only as the Court of Chancery, in the exercise of its jurisdiction over charitable
 20 trusts, shall appoint and direct.

Guardians or council may appropriate lands for purposes of Act.
 B. G., 1856, s. 33.

189. The provisions of "The Cemeteries Clauses Act, 1847," with respect to the protection of the cemetery, shall be incorporated with this Act, and be applicable to any burial ground under this Act; and the words "the Company" in "The Cemeteries Clauses
 25 Act, 1847," shall signify the "burial board" under this Act.

Certain provisions of 10 & 11 Vict. c. 65. incorporated with this Act.
 B. G., 1856, s. 35.

190. No land already or hereafter to be purchased or acquired under the provisions of this Act, for the purpose of a burial ground (with or without any building erected or to be erected thereon), shall, while used for such purposes, be assessed to any grand jury
 30 cess, poor's rates, or other local rates, at a higher value or more improved rent than the value or rent at which the same was assessed at the time of such purchase or acquisition.

Assessment to local rates not to be increased after purchase for the purposes of this or any former Act.
 B. G., 1856, s. 38.

191. It shall be lawful for any burial board, with the sanction of the Local Government Board, and subject to regulations approved
 35 of by the said board, to let any land purchased by and vested in them under this Act, and which has not been consecrated, and in which no body has been at any time interred, and which is not for the time being required for the purposes of a burial ground, in such manner and on such terms as such board may see fit, but so,
 40 nevertheless, that power shall be reserved to such board to resume any such land which may be required for the purposes aforesaid, upon giving *six months* notice.

Burial board may let land not required for burials.
 B. G., 1856, s. 39.

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Burial board
to keep in
order closed
burial
grounds, &c.
B. G., 1856,
s. 40.

192. In every case in which any order has been or shall hereafter be issued for the discontinuance of burials in any churchyard or burial ground, the burial board shall maintain such churchyard or burial ground in decent order, and also do the necessary repair of the walls and other fences thereof; and any costs and expenses incurred in so doing shall be deemed to be expenses of the burial board, and shall be defrayed accordingly, unless there shall be some other fund legally chargeable with such costs and expenses. 5

Burial
ground
already pro-
vided by the
county and
city of
Waterford.
B. G., 1856,
s. 34.

193. Whereas the grand juries of the county and city of Waterford, acting under the Act of the fortieth year of King George the Third, chapter ninety-three, purchased a piece of ground situate in the townland of Ballynasheagh, in the barony of Gaultier in the county of Waterford, for the purpose of a cemetery, in lieu of the ancient burial places of the six several parishes of Trinity Within, Saint Michael, Saint Stephen Within, Saint Olave, Saint John Within, and Saint Patrick, in the Borough of Waterford, and of the three parishes of Trinity Without, Saint John Without, and Saint Stephen Without, partly in the borough and partly in the county of Waterford, and of the two parishes of Kilbarry and Kil Saint Laurence in the county of Waterford: And whereas the said eleven parishes are all situate within the Poor Law Union of Waterford, and it has been provided by statute that the said piece of ground should be used as a burial ground for all the said parishes as if all the said parishes were situate within the limits of the said borough of Waterford, and as if the said piece of ground had been provided as the burial ground under the Burial Grounds Acts for the said several parishes; and that the said piece of ground should, without further conveyance, be vested in the Guardians of the Poor of the Waterford Union as the burial board, and for the use of all the district at present comprised in the said eleven parishes, subject to all the powers and regulations contained relative to burial grounds, and as if the same had been purchased and acquired under the said Acts: Be it enacted that unless the said piece of ground shall be discontinued as a burial ground by the Local Government Board, under the provisions of this Act, all the said parishes and portions of parishes situate in the borough of Waterford shall, for the purposes of this part of this Act, be considered as if the same were without the limits of the said borough of Waterford. 30

Certain plot
of ground to
be deemed
to be within
the limits of
the borough
of Limerick.
B. G. 1856,
s. 41.

194. Whereas the mayor, aldermen, and burgesses of the borough of Limerick have, with the consent and approbation of the Commissioners of Her Majesty's Treasury, executed a lease of a certain plot of ground situate at Gortuemanagh in the barony of Clanwilliam and county of Limerick (which plot of ground is part 40

of the property of the said corporation of Limerick, but is not situate within the limits or boundaries of the borough of Limerick,) unto certain parties for the term of two thousand years, at a certain yearly rent, for the purpose of the same being used as a cemetery or burial ground: Be it enacted, that for the purposes of this part of this Act the said plot of ground shall be deemed and taken to be within the limits or boundaries of the said borough of Limerick.

195. The provisions of this part of this Act shall not apply to any private and exclusive family mausoleum or burial place not being within the limits of any public burial ground.

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Not to apply to private mausoleums. B. G., 1856, s. 42.

PART IV.

GENERAL PROVISIONS.

CONTRACTS.

196. Any sanitary authority may enter into any contracts necessary for carrying this Act into execution.

Power of sanitary authorities to contract. P. H. (E.), s. 173.

197. With respect to contracts made by a sanitary authority under this Act, the following regulations shall be observed; (namely,)

Provisions as to contracts by sanitary authority. P. H. (E.), s. 174.

- (1.) Every contract made by a sanitary authority whereof the value or amount exceeds *fifty pounds* shall be in writing and sealed with the common seal of such authority:
- (2.) Every such contract shall specify the work, materials, matters, or things to be furnished, had, or done, the price to be paid, and the time or times within which the contract is to be performed, and shall specify some pecuniary penalty to be paid in case the terms of the contract are not duly performed:
- (3.) Before contracting for the execution of any works under the provisions of this Act, a sanitary authority shall obtain from a competent person an estimate in writing, as well of the probable expense of executing the work in a substantial manner as of the annual expense of repairing the same; also a report as to the most advantageous mode of contracting, that is to say, whether by contracting only for the execution of the work, or for executing and also maintaining the same in repair during a term of years or otherwise:
- (4.) Before any contract of the value or amount of *one hundred pounds* or upwards is entered into by a sanitary authority ten days public notice at the least shall be given, ex-

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pressing the nature and purpose thereof and inviting tenders for the execution of the same; and such authority shall require and take sufficient security for the due performance of the same :

- (5.) Every contract entered into by a sanitary authority in conformity with the provisions of this section, and duly executed by the other parties thereto, shall be binding on the authority by whom the same is executed and their successors and on all other parties thereto and their executors, administrators, successors, or assigns to all intents and purposes : Provided that a sanitary authority may compound with any contractor or other person in respect of any penalty incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty is mentioned in any such contract, or in any bond or otherwise, for such sums of money or other recompense as to such authority may seem proper.

PURCHASE OF LANDS.

Power to
purchase
lands.
L. G., s. 4.
P. H. (E.),
s. 175.

198. Any sanitary authority may for the purposes and subject to the provisions of this Act purchase or take on lease, sell, or exchange any lands, whether situated within or without their district; they may also buy up any water-mill, dam, or weir which interferes with the proper drainage of or the supply of water to their district.

Any lands acquired by a sanitary authority in pursuance of any powers in this Act contained and not required for the purpose for which they were acquired shall, except where otherwise expressly provided by this Act (unless the Local Government Board otherwise direct) be sold at the best price that can be gotten for the same, and the proceeds of such sale shall be applied towards the discharge of any principal moneys which have been borrowed by such authority on the security of the fund or rate applicable by them for the general purposes of this Act, or if no such principal moneys are outstanding shall be carried to the account of such fund or rate.

Regulations
as to pur-
chase of
land.
L. G., s. 4.
P. H. (E.),
s. 176.

199. With respect to the purchase of lands by a sanitary authority for the purposes of this Act, the following regulations shall be observed; (that is to say,)

- (1.) The Lands Clauses Acts shall be incorporated with this Act, except the provisions relating to access to the special Act, and except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845 :

- (2.) The sanitary authority, before putting in force any of the powers of the said Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, shall

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5 Publish once at the least in each of three consecutive weeks in the month of November, in some local newspaper circulated in their district, an advertisement describing shortly the purposes in respect of which the lands are proposed to be taken, naming a place
10 where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands that they require ; and shall further

15 Serve a notice in the month of December on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of the taking such lands :

20 (3.) On compliance with the provisions of this section with respect to advertisements and notices, the sanitary authority may, if they think fit, present a petition under their seal to the Local Government Board. The petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and
25 occupiers of lands who have assented, dissented, or are neuter in respect of the taking such lands, or who have returned no answer to the notice ; it shall pray that the sanitary authority may, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Acts
30 with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Local Government Board requires :

35 (4.) On the receipt of such petition, and on due proof of the proper advertisements having been published, and notices served, the Local Government Board shall take such petition into consideration, and may either dismiss the same, or direct a local inquiry as to the propriety of assenting to the prayer of such petition ; but until such inquiry has been made no provisional order shall be made
40 affecting any lands without the consent of the owners, lessees, and occupiers thereof :

(5.) After the completion of such inquiry the Local Government Board may, by provisional order, empower the sanitary

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authority to put in force, with reference to the lands referred to in such order, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as the Board may think fit, and it shall be the duty of the sanitary authority to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served :

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P. H. (I.),
s. 30.

Provided that the notices by this section required to be given in the months of November and December may be given in the months of September and October, or of October and November, but in either of such last-mentioned cases an inquiry preliminary to the provisional order to which such notices refer, shall not be held until the expiration of one month from the last day of the second of the two months in which the notices are given ; and any notices or orders by this section required to be served on a number of persons having any right in, over, or on lands in common, may be served on any three or more of such persons on behalf of all such persons.

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Power to let
lands.
P. H. (I.),
s. 31.
P. H. (E.)
s. 177.

200. Any sanitary authority may, subject to the provisions of this Act, with the consent of the Local Government Board, let for any term any lands which they may possess, as and when they can conveniently spare the same.

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POWERS OF BOARD IN RELATION TO LOCAL ACTS, &c.

Power to
repeal and
alter local
Acts.
P. H. (I.),
s. 26.
P. H. (E.)
s. 303.

201. The Local Government Board may, on the application of the sanitary authority of any district, by provisional order, wholly or partially repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers which is in force in any area comprising the whole or part of any such district, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject matters as this Act.

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Any such provisional order may provide for the extension of the provisions of the Local Act referred to therein beyond the district or districts within the limits of such Act, or for the exclusion of the whole or a portion of any such district from the application of such Act ; and may provide what sanitary authority shall have jurisdiction for the purposes of this Act in any area which is by such order included in or excluded from such district

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202. The Local Government Board may on the application of the urban sanitary authority of any urban district, by a provisional order transfer from the grand jury or grand juries of the county or counties within which such district is situate to such sanitary authority the jurisdiction, power, and authority with respect to roads, bridges, foot-paths, and public works within such district, vested in such grand jury or grand juries under any Act or Acts; and prevent such grand jury or grand juries, after such transfer, from making any presentment with regard to any road, bridge, footpath, or other public work within such district; and provide for the due payment of the balance of the grand jury cess to which such district will then, in future, be liable; and authorise the making and levying of further rates in addition to and in excess of the maximum amount of rates authorised to be made and levied by the sanitary authority of such district to enable them to defray the expenses consequent upon and incident to such transfer from the grand jury, when the maximum amount of rates authorised is insufficient to defray such expenses as aforesaid :

Provided that no such provisional order shall be granted unless a previous application has been made to the grand jury or grand juries affected thereby, and unless such grand jury or grand juries shall consent to the making of such provisional order, such consent being testified by a presentment or presentments to that effect :

Provided always, that in case any such grand jury or grand juries shall not consent to the making of such provisional order, the Local Government Board may notwithstanding, if they shall think fit, make such provisional order, but in every such case the Local Government Board shall make a special report to Parliament stating the grounds upon which they have made such provisional order.

203. Inspectors of the Local Government Board may attend any meetings of sanitary authorities, or of committees of sanitary authorities, during the transaction of business arising under any of the provisions of this Act.

204. The Local Government Board may from time to time cause to be made such inquiries as are directed by this Act, and such inquiries as they see fit in relation to any matters concerning the public health in any place, or any matters with respect to which their sanction, approval, or consent is required by this Act.

205. The Local Government Board may make orders as to the cost of inquiries or proceedings instituted by, or of appeals to the said Board under this Act, and as to the parties by whom or the

A.D. 1877.

Transfer of powers of grand jury. L. G. A., s. 5.

Powers of inspectors of Local Government Board. P. H. (I.), s. 11.

Power of Board to direct inquiries. P. H. (E.), s. 293.

Orders as to costs of inquiries. P. H. (E.), s. 294.

A.D 1877. — rates out of which such costs shall be borne ; and every such order may be made a rule of one of the superior courts of law on the application of any person named therein.

Proceedings
on complaint
to Board of
default of
sanitary au-
thority.
S. A., 1866,
s. 49.

206. Where complaint is made to the Local Government Board that a sanitary authority has made default in providing their district with sufficient sewers, or in the maintenance of existing sewers, or in providing their district with a supply of water, in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water, and a proper supply can be got at a reasonable cost, or that a sanitary authority has made default in enforcing any provisions of this Act which it is their duty to enforce, the Local Government Board, if satisfied, after due inquiry, that such authority has been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If default is made to obey such order and to perform such duty by the time limited in the order, such order may, in the case of an urban authority, be enforced by writ of Mandamus, and in the case of a rural authority making such default as is last mentioned, such rural authority shall be deemed to have made default in the execution of their duties as a board of poor law guardians under the Poor Law Acts, and thereupon it shall be lawful for the Local Government Board to dissolve them as such board and to provide for the execution of their duties under the Poor Law Acts and this Act in manner prescribed by the Poor Law Acts in the case of the dissolution of boards of guardians of poor law unions.

Orders of
Board under
this Act.
P. H. (E.),
s. 295.

207. All orders made by the Local Government Board in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as that Board may direct.

Powers of
inspectors of
Local
Government
Board.
P. H. (E.),
s. 296.
P. H. (I.),
s. 11.

208. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board, have, in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those conferred upon Poor Law inspectors by the Poor Law Acts.

PROVISIONAL ORDERS BY BOARD.

As to provi-
sional orders
made by
Local Go-
vernment
Board.
P. H. (E.),
s. 297.

209. With respect to provisional orders authorised to be made by the Local Government Board under this Act, the following provisions shall apply :

(1.) The Local Government Board shall not make any provisional order under this Act unless public notice of the purport

of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district or districts to which such provisional order relates : A.D. 1877.

- 5 (2.) Before making any such provisional order, the Local Government Board shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local
- 10 inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections :
- (3.) The Local Government Board may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such order shall be of no force
- 15 whatever unless and until it is confirmed by Parliament :
- (4.) If while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to
- 20 such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private bills :
- (5.) Any Act confirming any provisional order made in pursuance of any of the Sanitary Acts or of this Act, and any Order
- 25 in Council made in pursuance of any of the Sanitary Acts, may be repealed, altered, or amended by any provisional order made by the Local Government Board and confirmed by Parliament :
- (6.) The Local Government Board may revoke, either wholly or
- 30 partially, any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament :
- (7.) The making of a provisional order shall be *prima facie*
- 35 evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with :
- (8.) Every Act confirming any such provisional order shall be
- 40 deemed to be a public general Act.

210. The reasonable costs of any sanitary authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Local Government

Costs of provisional orders.
P. H. (E.),
s. 298.

A.D. 1877. Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the sanitary authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Local Government Board, the sanitary authority may contract a loan for the purpose of defraying such costs.

ARBITRATION.

Mode of
reference to
arbitration.
L. G., s. 19.
S. U., 1865,
s. 8.
S. A., 1866,
s. 9.
P. H. (E.),
s. 179.

211. In case of dispute as to the amount of any compensation to be made under the provisions of this Act (except where the mode of determining the same is specially provided for), and in case of any matter which by this Act is authorised or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party shall appoint an arbitrator to whom the matter shall be referred.

Regulations
as to arbi-
tration.
P. H. (E.),
s. 180.

212. With respect to arbitrations under this Act, the following regulations shall be observed; (that is to say.)

- (1.) Every appointment of an arbitrator under this Act when made on behalf of the sanitary authority shall be under their common seal, and on behalf of any other party under his hand, or if such party be a corporation aggregate under their common seal :
- (2.) Every such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same :
- (3.) After the making of any such appointment the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation :
- (4.) If for the space of fourteen days after any matter by this Act authorised or directed to be settled by arbitration has arisen and notice in writing by one party who has duly appointed an arbitrator has been given to the other party, stating the matter to be referred, and accompanied by a copy of such appointment, the party to whom notice is given fails to appoint an arbitrator, the arbitrator appointed by the party giving the notice shall be deemed to be appointed and shall act on behalf of both parties :
- (5.) If before the determination of any matter so referred any arbitrator dies or refuses or becomes incapable to act, the party by whom such arbitrator was appointed may appoint in writing another person in his stead; and if such party fails so to do for the space of seven days after notice in writing from the other party in that behalf, the remaining

arbitrator may proceed *ex parte*; and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made :

- 5 (6.) If a single arbitrator dies or becomes incapable to act before the making of his award, or fails to make his award within twenty-one days after his appointment, or within such extended time, if any, as may have been duly appointed by him for that purpose, the matters referred to him shall
10 be again referred to arbitration under the provisions of this Act, as if no former reference had been made :
- 15 (7.) Where there is more than one arbitrator, the arbitrators shall, before they enter on the reference, appoint by writing under their hands an umpire, and if the person appointed to be umpire dies or becomes incapable to act, the arbitrators shall forthwith appoint another person in his stead ; and if the arbitrators neglect or refuse to appoint an
20 umpire for seven days after being requested so to do by any party to the arbitration, the Local Government Board shall, on the application of any such party, appoint an umpire :
- 25 (8.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been duly appointed by them for that purpose, the matters referred shall be determined by the umpire :
- 30 (9.) The time for making an award by arbitrators under this Act shall not in any case be extended beyond the period of two months from the date of the submission, and the time for making an award by an umpire under this Act shall not in any case be extended beyond the period of two months from the date of the reference of the matters to him :
- 35 (10.) Before any arbitrator or umpire enters on a reference under this Act he shall make and subscribe the following declaration before a justice of the peace ; (that is to say,) ‘ I *A.B.* do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me
40 under the Public Health (Ireland) Act, 1876.

‘ *A.B.* ’

- A.D. 1877. (11.) Such declaration shall be annexed to the award when made; and any arbitrator or umpire who wilfully acts contrary to such declaration shall be guilty of a misdemeanour :
- (12.) Any arbitrator, arbitrators, or umpire appointed by virtue of this Act may require the production of such documents in 5 the possession or power of either party as he or they or he may think necessary for determining the matters referred, and may examine the parties or their witnesses on oath :
- (13.) The costs of and consequent upon the reference shall be in the discretion of the arbitrator or arbitrators, or (in case 10 the matters referred are determined by an umpire) of the umpire :
- (14.) Any submission to arbitration under the provisions of this Act may be made a rule of any of the superior courts, on the application of any party thereto : 15
- (15.) The award of arbitrators or of an umpire under this Act shall be final and binding on all parties to the reference.

Claims under 20% may be referred to court of summary jurisdiction. P. H. (E.), s. 181.

213. All questions referable to arbitration under this Act may, when the amount in dispute is less than twenty pounds, be determined at the option of either party before a court of summary 20 jurisdiction, but the court may, if it thinks fit, require that any work in respect of which the claim of the sanitary authority is made and the particulars of the claim be reported on to them by any competent surveyor, not being the surveyor of the sanitary authority; and the court may determine the amount of costs incurred in 25 that behalf, and by whom such costs or any part of them shall be paid.

BYELAWS.

Authentication and alteration of byelaws. P. H. (E.), s. 182.

214. All byelaws made by a sanitary authority under and for the purposes of this Act shall be under their common seal; and 30 any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act: Provided that no byelaw made under this Act by a sanitary authority shall be of any effect if repugnant to the laws of Ireland or to the provisions of this Act. 35

Power to impose penalties on breach of byelaws. P. H. (E.), s. 183.

215. Any sanitary authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of *five pounds* for each offence, and in the case of a continuing offence a further penalty not exceeding *forty shillings* for each day after 40 written notice of the offence from the sanitary authority; but all

such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty. A.D. 1877.

Nothing in the provisions of any Act incorporated herewith shall authorise the imposition or recovery under any byelaws made in pursuance of such provisions of any greater penalty than the penalties in this section specified.

216. Byelaws made by a sanitary authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; nor shall any such byelaws be confirmed—

Confirmation
of byelaws.
P. H. (I.),
s. 33.
P. H. (E.),
s. 184.

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulating within the district to which such byelaws relate, one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the sanitary authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

The clerk of the sanitary authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A byelaw required to be confirmed by the Local Government Board shall not require confirmation allowance or approval by any other authority.

217. All byelaws made by a sanitary authority under this Act, or for purposes the same as or similar to those of this Act under any local Act, shall be printed and hung up in the office of such authority; and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same.

Byelaws to
be printed,
&c.
P. H. (E.),
s. 185.

218. A copy of any byelaws made under this Act by a sanitary authority (not being the council of a borough), signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws without further or other proof.

Evidence of
byelaws.
P. H. (E.),
s. 186.

219. Byelaws made by the council of any borough under the provisions of section one hundred and twenty-five of the Act of session of the third and fourth years of Her present Majesty,

Byelaws
made under
s. 125. of
3 & 4 Vict.
c. 108. to be

A.D. 1877.
—
submitted
to Local
Government
Board.
P. H. (E.),
s. 187.

chapter one hundred and eight, for the prevention and suppression of certain nuisances, shall not be required to be sent to the Lord Lieutenant, nor shall they be subject to the disallowance in that section mentioned; but all the provisions of this Act relating to byelaws shall apply to the byelaws so made as if they were made under this Act. 5

As to regu-
lations of
sanitary
authority.
P. H. (E.),
s. 188.

220. The provisions of this Act relating to byelaws shall not apply to any regulations which a sanitary authority is by this Act authorised to make; nevertheless, any sanitary authority may cause any regulations made by them under this Act to be published in such manner as they see fit. 10

PART V.

FINANCIAL.

EXPENSES OF URBAN AUTHORITY.

Expenses of
urban sani-
tary autho-
rity.
P. H. (I.),
s. 12.

221. All expenses incurred or payable by an urban sanitary authority in the execution of this Act and not otherwise provided for shall be defrayed as follows; that is to say, 15

(1.) In the case of the council of a borough, out of the borough fund or borough rate :

(2.) In the case of an urban sanitary authority being commis- sioners under any of the Acts specified in the first column 20 of the table contained in section four of this Act, or under any Local Act, out of any rate leviable by them as such commissioners throughout the whole of their district :

Provided that where an urban sanitary authority had before the passing of this Act power to levy throughout the whole of its district a rate or rates for paving, sewerage, or other sanitary purposes, all expenses incurred by such authority in the performance of its duties under this Act shall be defrayed out of such rate or rates, except where at the time of the passing of this Act any such expenses were chargeable upon the borough fund or borough rate, in which case such expenses shall continue so chargeable : Provided also, that if application be made to the Local Government Board whereby it shall be alleged that it would be inequitable or inconvenient in the district of any urban sanitary authority that the said expenses should be borne as last aforesaid, the said Board may, after inquiry, by order under seal alter the incidence of such charge in respect of the whole or some of the expenditure referred to, as to them shall appear to be fair and equitable. 25 30 35

222. Any limit imposed on or in respect of any rate by any Act of Parliament shall not apply to any rate required to be levied 40

for the purpose of defraying any expenses incurred by a sanitary authority for sanitary purposes.

not to apply to expenses for sanitary purposes.

Amendment of s. 60 of 17 & 18 Vict. c. 103.

223. Where in any town in which the Towns Improvement (Ireland) Act, 1854, is in force the provisions of that Act with respect to water have been adopted, the amount of any assessment under section sixty of the said Act may, notwithstanding the limitations in the said section contained, amount to but shall not exceed the rate of *two shillings* in the pound.

PRIVATE IMPROVEMENT EXPENSES.

10 224. Whenever an urban authority have incurred or become liable to any expenses which by this Act are or by such authority may be declared to be private improvement expenses, such authority may, if they think fit, make and levy on the occupier of the premises in respect of which the expenses have been incurred, in addition to all other rates, a rate or rates to be called private improvement rates, of such amount as will be sufficient to discharge such expenses, together with interest thereon at a rate not exceeding *five pounds* per centum per annum, in such period not exceeding *thirty years* as the urban authority may in each case determine.

Power to make private improvement rates.
P. H. (E.), s. 213.

20 Provided that whenever any premises in respect of which any private improvement rate is made become unoccupied before the expiration of the period for which the rate was made, or before the same is fully paid off, such rate shall become a charge on and be paid by the owner for the time being of the premises so long as the same continue to be unoccupied.

225. Where the occupier by whom any private improvement rate is paid holds the premises in respect of which the rate is made at a rent not less than the rackrent, he shall be entitled to deduct three fourths of the amount paid by him on account of such rate from the rent payable by him to his landlord, and if he hold at a rent less than the rackrent he shall be entitled to deduct from the rent so payable by him such proportion of three fourths of the rate as his rent bears to the rackrent; and if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made, and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof.

Proportion of private improvement rate may be deducted from rent.
P. H. (E.), s. 214.

A.D. 1877. — Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption
of private
improvement
rates.
P. H. (E.),
s. 215.

226. At any time before the expiration of the period for which any private improvement rate is made, the owner or occupier of the premises assessed thereto may redeem the same, by paying to the urban authority the expenses in respect of which the rate was made, or such part thereof as may not have been defrayed by sums already levied in respect of the same :

Provided that money paid in redemption of any private improvement rate shall not be applied by the urban authority otherwise than in defraying expenses incurred by them in works of private improvement or in discharging the principal of any moneys borrowed by them to meet those expenses, whether by means of a sinking fund or otherwise.

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EXPENSES OF RURAL AUTHORITY.

Expenses of
rural sani-
tary autho-
rity.
P. H. (I.),
s. 13.

227. The expenses incurred by a rural sanitary authority in the execution of this Act shall be divided into general expenses and special expenses.

General expenses, other than those chargeable upon owners and occupiers under this Act, shall be the expenses of the establishment and officers of the sanitary authority, and all other expenses not determined by this Act or the order of the Local Government Board to be special expenses.

Special expenses shall be the expenses of the construction, maintenance, and cleansing of sewers in any contributory place within the district, the providing a supply of water to any such place, the providing, repairing, and cleansing public wells, the lighting where duly authorised, the charges or expenses arising out of or incidental to the possession of property transferred to the rural sanitary authority in trust for any district or contributory place, and all other expenses incurred or payable by the sanitary authority in or in respect of any contributory place within the district, and determined by the order of the Local Government Board to be special expenses.

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When the rural sanitary authority makes any sewers or provides any water supply or executes any other work under this Act for the common benefit of any two or more contributory places within its district, it may apportion the expense of constructing any such work and of maintaining the same, in such proportions as it thinks just, between such contributory places ; and any expense

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so apportioned to any such contributory place shall be deemed to be special expenses legally incurred in respect of such contributory place. A.D. 1877.

Ten or more ratepayers, or any number of persons liable to be rated to one fifth part of the whole rate, of any contributory place, if aggrieved by any such apportionment, may send or deliver a memorial to the Local Government Board stating their grounds of complaint, and the said Board may, after due inquiry, make such order in the matter as to it may seem equitable, and the order so made shall be binding and conclusive upon all parties concerned.

General expenses shall be payable out of a common fund to be raised out of the poor rate of the electoral divisions or parts thereof in the district according to the rateable value of each electoral division or part thereof.

Special expenses shall be a separate charge on some contributory place or places.

The following areas situated in a rural sanitary district shall be contributory places for the purposes of this Act; that is to say,

- (1.) The dispensary district :
- (2.) The electoral division :
- (3.) The townland :
- (4.) Such portions of any townland or townlands as may be determined by the Local Government Board :

Provided that the Local Government Board shall have power to determine on what area of charge being a contributory place, or consisting of contributory places, any special expenses shall be chargeable, whether incurred after the passing of this Act or still due in respect of works executed before the passing of this Act.

228. For the purpose of obtaining payment for special expenses from the several contributory places within its district the board of guardians, being the rural sanitary authority, shall levy the same as part of the poor rate by a special poundage rate to be added to the poor rate on such contributory places and to be collected therewith and recoverable in the same manner and with the same remedies by the collectors of the poor rate and lodged to the credit of the guardians with the treasurer of the union; and the expenditure thereof shall be brought to account in such form and manner as the Local Government Board shall from time to time by any general order direct; and if not otherwise directed by such general order, the sums levied by such special poundage and placed to the credit of the board of guardians shall be applied by them in discharge of the special expenses incurred as aforesaid on account of such contributory places respectively; and every person upon whom such

Mode of raising contributions in rural sanitary district. P. H. (I.), s. 14.

A.D. 1877. special poundage rate shall be levied shall be entitled to make the same deduction from the rent which he may be liable to pay as he would be entitled to make if the same were levied for carrying into execution the laws for the relief of the destitute poor in Ireland; and the person from whom such deduction shall be made shall in like 5 manner be entitled to deduct from any rent paid by him, such proportion of the amount so deducted from the rent paid to him as he would be entitled to deduct if the rate were made for the relief of the destitute poor.

EXPENSES OF BURIAL BOARD.

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Expenses of
burial
boards.
B. G., 1856,
s. 32.

229. The expenses incurred by the rural sanitary authority of any district as the burial board of such district in the execution of Part III. of this Act, shall be charged on and paid out of the poor rates of the union, or of any electoral division, or of any townland or townlands situate therein, as the Local Government 15 Board shall by order under seal in each case determine; and all moneys borrowed by the burial board of such district before or after the passing of this Act, and any interest thereon, shall be secured upon the rates aforesaid; and the expenses incurred by the urban sanitary authority of any urban sanitary district as a burial board 20 in the execution of Part III. of this Act, or in paying any money borrowed by the burial board of such district before or after the passing of this Act, and any interest thereon shall be charged upon and paid out of a separate rate to be levied for such purpose within such district; and such urban sanitary authority shall have all such 25 powers for making and levying such rate respectively, and all provisions shall be applicable in respect thereof, as in the case of any borough rate or improvement rate authorised to be made by such urban sanitary authority under the provisions of the respective Acts of Parliament under which such urban sanitary authority are 30 constituted: Provided always, that such rates may be levied wholly or partly in the parishes within such district for which any new burial ground has been provided under the Burial Ground Acts or may be provided under this Act, if the Local Government Board has by any order in that behalf so directed or shall so direct. 35

EXPENSES OF JOINT BOARD.

Expenses
incurred by
joint board,
how to be
defrayed.
P. H. (I.),
s. 23.

230. Any expenses incurred by a joint board in pursuance of this Act, unless otherwise determined by the provisional order, shall be defrayed out of a common fund to be contributed by the component districts or contributory places in proportion to the rateable value of 40 the property in each district or contributory place, such value to be

ascertained according to the valuation list in force for the time being. A.D. 1877.

- 231.** For the purpose of obtaining payment from component districts of the sums to be contributed by them the joint board shall
- 5 issue its precept to the sanitary authority of each component district stating the sum to be contributed by it and requiring such authority, within a time limited by the precept, to pay the sums therein mentioned to the joint board or to such person as the joint board may direct.
- 10 Any sum mentioned in a precept addressed by a joint board to a sanitary authority as aforesaid shall be a debt due from it, and may be recovered accordingly; such contribution, in the case of a rural sanitary authority, being deemed to be general expenses.
- For the purpose of obtaining payment from contributory places of
- 15 the sums to be contributed by them, the joint board shall have the same powers of issuing precepts and of recovering the amounts named therein as if such contributory places formed a rural sanitary district and the joint board were the sanitary authority thereof.

Payment of contributions to joint board.
P. H. (I.),
s. 24.

BORROWING POWERS.

- 20 **232.** Any sanitary authority may, with the sanction of the Local Government Board, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by them in the execution of the Sanitary Acts or of this Act, or for the purpose of discharging any loans contracted under the Sanitary Acts or this Act,
- 25 borrow or re-borrow, and take up at interest, any sums of money necessary for defraying any such costs, charges, and expenses, or for discharging any such loans as aforesaid.
- An urban authority may borrow or re-borrow any such sums on the credit of any fund or all or any rates or rate out of which they
- 30 are authorised to defray expenses incurred by them in the execution of this Act, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund or rates or rate.
- 35 A rural authority may borrow or re-borrow any such sums, if applied or intended to be applied to general expenses of such authority, on the credit of the common fund out of which such expenses are payable, and if applied or intended to be applied to special expenses of such authority, on the credit of any rate or rates
- 40 out of which such expenses are payable, and for the purpose of securing the repayment of any sums so borrowed, with interest

Power to borrow on credit of rates.
P. H. (I.),
s. 40.
P. H. (E.),
s. 233.

A.D. 1877. thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund rate or rates.

Regulations
as to exer-
cise of
borrowing
powers.
P. H. (I.),
s. 45.
P. H. (E.),
s. 234.

233. The exercise of the powers of borrowing conferred by this Act shall be subject to the following regulations; (namely,)

- (1.) Money shall not be borrowed except for permanent works, 5
(including under this expression any works of which the cost ought in the opinion of the Local Government Board to be spread over a term of years) :
- (2.) The sum borrowed shall not at any time exceed, with the balances of all the outstanding loans contracted by the 10
sanitary authority under the Sanitary Acts and this Act, in the whole twice the net annual value of the premises assessable within the district in respect of which such money may be borrowed :
- (3.) Where the sum proposed to be borrowed with such balances 15
(if any) would exceed the assessable value for one year of such premises, the Local Government Board shall not give their sanction to such loan until one of their inspectors has held a local inquiry and reported to the said Board :
- (4.) The money may be borrowed for such time, not exceeding 20
sixty years, as the sanitary authority, with the sanction of the Local Government Board, determine in each case; and, subject as aforesaid, the sanitary authority shall either pay off the moneys so borrowed by equal annual instalments of principal or of principal and interest, 25
or they shall in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer bills or other Government securities, such sum as will with accumulations in the way of compound interest be 30
sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned :
- (5.) A sanitary authority may at any time apply the whole or any part of a sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment 35
of which the fund has been established: Provided that they pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund 40
so applied :
- (6.) Where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so

borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned, unless with the sanction of the Local Government Board, and shall in no case be extended beyond the period of sixty years from the date of the original loan. A.D. 1877.

5 Where any urban authority borrow any money for the purpose of defraying private improvement expenses, or expenses in respect of which they have determined a part only of the district to be liable, it shall be the duty of such authority, as between the rate-
10 payers of the district, to make good, so far as they can, the money so borrowed, as occasion requires, either out of private improvement rates, or out of a rate levied in such part of the district as aforesaid.

234. Where any sanitary authority are possessed of any land, works, or other property for the purposes of disposal of sewage pur-
15 suant to this Act, they may borrow any moneys on the credit of such lands, works, or other property, and may mortgage such lands, works, or other property to any person advancing such moneys, in the same manner in all respects as if they were the absolute owner, both at law and in equity, of the lands, works, or other property
20 so mortgaged. The moneys so borrowed shall be applied for purposes for which moneys may be borrowed under this Act; but it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for any misapplication thereof.

25 The powers of borrowing conferred by this section shall, where the sums borrowed do not exceed three fourths of the purchase money of such lands (but not otherwise), be deemed to be distinct from and in addition to the general borrowing powers conferred on a sanitary authority by this Act. Any sanitary authority may
30 pay out of any rates leviable by them for purposes of this Act the interest on any moneys borrowed by such authority in pursuance of this section.

235. Every mortgage authorised to be made under this Act shall be by deed, truly stating the date, consideration, and the time
35 and place of payment, and shall be sealed with the common seal of the sanitary authority, and may be made according to the form contained in the schedule (B.) to this Act, or to the like effect.

236. There shall be kept at the office of the sanitary authority a register of the mortgages on each rate, and within fourteen days
40 after the date of any mortgage an entry shall be made in the register of the number and date thereof, and of the names and description of the parties thereto, as stated in the deed. Every such

Power to borrow on credit of sewage land and plant.
P. H. (I.), s. 41.
P. H. (E.), s. 235.

Form of mortgage.
P. H. (I.), s. 40.
P. H. (E.), s. 236.

Register of mortgages.
P. H. (I.), s. 40.
P. H. (E.), s. 237.

A.D. 1877. — register shall be open to public inspection during office hours at the said office, without fee or reward; and any clerk or other person having the custody of the same, refusing to allow such inspection, shall be liable to a penalty not exceeding *five pounds*.

Transfer of
mortgages.
P. H. (I.),
s. 40.
P. H. (E.),
s. 238.

237. Any mortgagee or other person entitled to any mortgage under this Act may transfer his estate and interest therein to any other person by deed duly stamped, truly stating its date and the consideration for the transfer; and such transfers may be according to the form contained in the schedule (B.) to this Act, or to the like effect.

There shall be kept at the office of the sanitary authority a register of the transfers of mortgage charged on each rate, and within thirty days after the date of such deed of transfer, if executed within the United Kingdom, or within thirty days after its arrival in the United Kingdom, if executed elsewhere, the same shall be produced to the clerk of the sanitary authority, who shall, on payment of a sum not exceeding *five shillings*, cause an entry to be made in such register of its date, and of the names and description of the parties thereto, as stated in the transfer; and until such entry is made the sanitary authority shall not be in any manner responsible to the transferee.

On the registration of any transfer the transferee, his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby; and any transferee may in like manner transfer his estate and interest in any such mortgage; and no person except the last transferee, his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

If the clerk of the sanitary authority wilfully neglects or refuses to make in the register any entry by this section required to be made, he shall be liable to a penalty not exceeding *twenty pounds*.

Receiver
may be
appointed
in certain
cases.
P. H. (E.),
s. 239.

238. If at the expiration of *six months* from the time when any principal money or interest has become due on any mortgage of rates made under this Act, and after demand in writing, the same is not paid, the mortgagee or other person entitled thereto may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to a court of summary jurisdiction; and such court may, after hearing the parties, appoint in writing under their hands and seals some person to collect and receive the whole or a competent part of the rates liable to the payment of the principal or interest in respect of which the application is made, until such principal or interest, or both, as the case may be, together with the costs of the application and of collection, are fully paid.

On such appointment being made all such rates, or such competent part thereof as aforesaid, shall be paid to the person appointed, and when so paid shall be so much money received by or to the use of the mortgagee or mortgagees of such rates, and shall
5 be rateably apportioned between them :

Provided that no such application shall be entertained unless the sum or sums due and owing to the applicant amount to *one thousand pounds*, or unless a joint application is made by two or more mortgagees or other persons to whom there may be due, after
10 such lapse of time and demand as last aforesaid, moneys collectively amounting to that sum.

239. Where any person has advanced money for any expenses which by this Act are, or by the sanitary authority may be declared to be private improvement expenses, the sanitary authority, on being
15 satisfied by the report of a competent person or otherwise that the money advanced by such person has been duly expended, may issue a grant in the form in the schedule (B.) to this Act to such person of a yearly rentcharge issuable out of the premises, in respect whereof such advance has been made, or out of such part
20 thereof, to be specified in such grant, as the sanitary authority may think proper and sufficient.

Such rentcharge shall be personal estate, and shall begin to accrue from the day of completion of the works on which the money advanced has been expended, and shall be payable by equal half-
25 yearly payments during a term not exceeding *thirty years*, in such manner that the whole of the sum advanced, with the costs of preparing the said grant, together with interest thereon respectively, at a rate not exceeding *six pounds per centum per annum* on the sum from time to time remaining unpaid, shall be repaid at the end
30 of the said term.

The provisions of this Act with respect to deduction from the rent of a proportion of private improvement rates, and with respect to redemption of private improvement rates, shall, *mutatis mutandis*, apply to rentcharges granted under this section.

240. Rentcharges issued in pursuance of this Act, and transfers thereof, shall be registered in the same manner respectively as mortgages and transfers are required to be registered under the provisions of this Act.

A.D. 1877.

Rentcharge may be granted in respect of advances made for private improvements. P. H. (E.), s. 240.

Rentcharges may be registered. P. H. (E.), s. 241.

241. The Commissioners of Public Works in Ireland may, with
40 the consent of the Commissioners of Her Majesty's Treasury, on the application of any sanitary authority and on the recommendation of the Local Government Board, make any loan to such authority

Power of Commissioners of Public Works to lend to

A.D. 1877. in pursuance of any powers of borrowing conferred by this Act, whether for works already executed or yet to be executed, on the security of any fund or rate applicable to any of the purposes of this Act, and without requiring any further or other security, such loan to be repaid within a period not exceeding *fifty years*, and to bear 5 interest at the rate of *three and a half per centum* per annum, or such other rate as may, in the judgment of the Commissioners of Her Majesty's Treasury, be necessary, in order to enable the loan to be made without loss to the Exchequer :

sanitary
authority on
recommendation of Local
Government
Board.
P. H. (E.),
s. 243.
P. H. (I.),
s. 43.

Provided that in determining the time when a loan under this 10 section shall be repayable, the Commissioners of Public Works in Ireland shall have regard to the probable duration and continuing utility of the works in respect of which the same is required.

In the case of a loan made before the passing of the Public Health (Ireland) Act, 1874, to any sanitary authority in pursuance of any 15 powers conferred by the Sanitary Acts, the Commissioners of Public Works in Ireland may reduce the interest payable thereon to a rate of not less than *three and a half per centum* per annum.

Borrowing
powers of
joint boards
and certain
other authorities.
P. H. (I.),
s. 23.
P. H. (E.),
s. 244.

242. Joint boards under this Act, and any joint sewerage board constituted under any of the Sanitary Acts and existing at the time 20 of the passing of this Act shall, for the purposes of their constitution, have like powers of borrowing on the credit of any fund or rate applicable by them to purposes of this Act or on the credit of sewage land and plant as are by this Act conferred on sanitary authorities, and in the exercise of those powers shall be subject to 25 the like restrictions; and the Commissioners of Public Works in Ireland may make any loan to any of the above-mentioned authorities which they may make to a sanitary authority under this Act.

AUDIT OF ACCOUNTS.

30

Audit of
accounts.
P. H. (I.),
s. 49.

243. The accounts of every sanitary authority shall be made up in such form and to such day or days in every year as may be appointed by the Local Government Board in each case. The accounts of a sanitary authority shall be audited by such auditor of the accounts relating to the relief of the poor as the Local Govern- 35 ment Board shall appoint for the purpose. An auditor shall, with respect to the accounts of sanitary authorities under this section, have the like powers, and be subject to the like obligations in every respect, as in case of the audit under the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) 40 Act, 1872, and any person aggrieved by the decision of the auditor

shall have the like rights and remedies as in the case of such last-mentioned audit. A.D. 1877.

Six days notice by the auditor of any audit under the said Acts or this Act shall be sufficient, anything in any Act to the contrary notwithstanding.

Section 11 of the Local Government (Ireland) Act, 1871, shall be read and construed as if the words "except the boroughs or municipalities of Cork, Kilkenny, and Waterford" were not written therein.

10

PART VI.

LEGAL PROCEEDINGS.

PROSECUTION OF OFFENCES AND RECOVERY OF PENALTIES, &c.

244. All Offences under this Act, and all penalties, forfeitures, costs, and expenses under this Act directed to be recovered in a summary manner, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction. The court of summary jurisdiction, when hearing and determining an information or complaint under this Act, shall be constituted of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace sitting at some court or other place appointed for the administration of justice.

Summary proceedings for offences, penalties, &c. P. H. (E.), s. 251.

245. Any complaint or information made or laid in pursuance of this Act shall be made or laid within *six months* from the time when the matter of such complaint or information respectively arose.

General provisions as to summary proceedings. P. H. (E.), s. 252.

The description of any offence under this Act in the words of this Act shall be sufficient in law.

Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information; and, if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

246. Proceedings for the recovery of any penalty under this Act shall not, except as in this Act is expressly provided, be had or taken by any person other than by a party aggrieved, or by the sanitary authority of the district in which the offence is committed, without the consent in writing of the Attorney General for Ireland:

Restriction on recovery of penalties. P. H. (E.), s. 253.

A.D. 1877. Provided that such consent shall not be required to proceedings which are by the provisions of this Act relating to nuisances or offensive trades authorised to be taken by a sanitary authority in respect of any act or default committed or taking place without their district, or in respect of any house, building, manufactory, or place 5 situated without their district.

Application
of penalties.
P. H. (E.),
s. 254.

247. Where the application of a penalty under this Act is not otherwise provided for, one half thereof shall go to the informer, and the remainder to the sanitary authority of the district in which the offence was committed: Provided, that if the sanitary authority 10 is the informer they shall be entitled to the whole of the penalty recovered; and all penalties or sums recovered by them on account of any penalty shall be paid over to their treasurer, and shall by him be carried to the account of the fund applicable by such authority to the general purposes of this Act. 15

Proceedings
in certain
cases against
nuisances.
N.R., 1855,
ss. 33, 34,
39.
P. H. (E.),
s. 255.

248. Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, it shall be lawful for the sanitary authority or other complainant to institute proceedings against any one of such persons, or to include all or any two or more of such persons in one proceeding; and any 20 one or more of such persons may be ordered to abate such nuisance, so far as the same appears to the court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which, in the opinion of such court, contribute to such nuisance, or may be fined or 25 otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance; and the costs may be distributed as to such court may appear fair and reasonable.

Proceedings against several persons included in one complaint 30 shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

Whenever in any proceeding under the provisions of this Act relating to nuisances, whether written or otherwise, it becomes 35 necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description.

Nothing in this section shall prevent persons proceeded against from recovering contribution in any case in which they would now 40 be entitled to contribution by law.

- 249.** If any person assessed to any rate made under this Act by any urban authority fails to pay the same when due and for the space of fourteen days after the same has been lawfully demanded in writing, or if any person quits or is about to quit any premises without payment of any such rate then due from him in respect of such premises, and refuses to pay the same after lawful demand thereof in writing, any justice may summon the defaulter to appear before a court of summary jurisdiction to show cause why the rate in arrear should not be paid; and if the defaulter fails to appear, or if no sufficient cause for nonpayment is shown, the court may make an order for payment of the same, and, in default of compliance with such order, may by warrant cause the same to be levied by distress of the goods and chattels of the defaulter.
- The costs of the levy of arrears of any rate may be included in the warrant for such levy.

A.D. 1877.

Summary
proceedings
for recovery
of rates.
P.H. (E.),
s. 256.

- 250.** Where any sanitary authority have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable under this Act or by any agreement with the sanitary authority, such expenses may be recovered, together with interest at a rate not exceeding *five pounds per centum per annum*, from the date of service of a demand for the same till payment thereof, from any person who is the owner of such premises when the works are completed for which such expenses have been incurred, and until recovery of such expenses and interest the same shall be a charge on the premises in respect of which they were incurred. In all summary proceedings by a sanitary authority for the recovery of expenses incurred by them in works of private improvement, the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

Recovery of
expenses by
sanitary
authority
from owners.
P. H. (E.),
s. 257.

- Where such expenses have been settled and apportioned by the sanitary authority as payable by such owner, such apportionment shall be binding and conclusive on such owner, unless within *three months* from service of notice on him by the sanitary authority, of the amount settled to be due from such owner, he shall by written notice dispute the same.

- The sanitary authority may, by order, declare any such expenses to be payable by annual instalments within a period not exceeding *thirty years*, with interest at a rate not exceeding *five pounds per centum per annum*, until the whole amount is paid; and any such instalments and interest, or any part thereof, may be recovered in a summary manner from the owner or occupier for the time

A.D. 1877. being of such premises, and may be deducted from the rent of such premises, in the same proportions as are allowed in the case of private improvement rates under this Act.

Justices may act though members of sanitary authority or liable to contribute.
P. H. (E.), s. 258.

251. No justice of the peace shall be deemed incapable of acting in cases arising under this Act by reason of his being a member of 5 any sanitary authority, or by reason of his being as one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to, or to be benefited by any rate or fund out of which any expenses incurred by such authority are under this Act to be defrayed. 10

Appearance of sanitary authorities in legal proceedings.
S. A., 1866, s. 48.
P. H. (E.), s. 259.

252. Any sanitary authority may appear before any court, or in any legal proceeding by their clerk, or by any officer or member authorised generally or in respect of any special proceeding by resolution of such authority, and their clerk, or any officer or member so authorised, shall be at liberty to institute and carry on any 15 proceeding which the sanitary authority is authorised to institute and carry on under this Act.

Name of sanitary authority need not be proved.
P. H. (E.) s. 260.

253. In any proceeding instituted by or against a sanitary authority under this Act it shall not be necessary for the plaintiff to prove the corporate name of the sanitary authority, or the constitution or 20 limits of their district: Provided that this section shall not abridge or prejudice the right of any defendant to take or avail himself of any objection which he might have taken or availed himself of if this Act had not been passed.

Demands below 40*l.* may be recovered civil bill court
P. H. (E.), s. 261.

254. Proceedings for the recovery of demands below forty pounds, 25 which sanitary authorities are empowered to recover in a summary manner, may, at the option of the sanitary authority, be taken in the civil bill court as if such demands were debts within the cognizance of such court.

Proceedings not to be quashed for want of form.
P. H. (E.), s. 262.

255. No rate, order, conviction, or thing made or done or relating 30 to the execution of this Act shall be vacated, quashed, or set aside for want of form, or (unless otherwise expressly provided by this Act) be removed or removable by certiorari, or any other writ or process whatsoever, into any of the superior courts: Provided that nothing in this section shall prevent the removal of any case stated 35 for the opinion of a superior court, or of any rate, order, conviction, or thing to which such special case relates.

False evidence punishable as perjury.
P. H. (E.), s. 263.

256. Any person who on any examination on oath, under any of the provisions of this Act, wilfully and corruptly gives false evidence shall be liable to the penalties inflicted on persons guilty of 40 wilful and corrupt perjury.

257. A writ or process shall not be sued out against or served on any sanitary authority, or any member thereof, or any officer of a sanitary authority, or person acting in his aid, for anything done or intended to be done or omitted to be done under the provisions of this Act, until the expiration of *one month* after notice in writing has been served on such sanitary authority, member, officer, or person, clearly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and on the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served; and unless such notice is proved the jury shall find for the defendant.

A.D. 1877.
Notice of
action against
sanitary au-
thority, &c.
P. H. (E.),
s. 264.

Every such action shall be commenced within *six months* next after the accruing of the cause of action, and not afterwards, and shall be tried in the county or place where the cause of action occurred, and not elsewhere.

Any person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff, his attorney or agent, at any time within one month after service of such notice, and, in case the same be not accepted, may plead such tender in bar; and in case amends have not been tendered as aforesaid, or in case the amends tendered are insufficient, the defendant may, by leave of the court, at any time before trial, pay into court under plea such sum of money as he may think proper; and if upon issue joined, or upon any plea pleaded for the whole action, the jury find generally for the defendant, or if the plaintiff be non-suited or judgment be given for the defendant, then the defendant shall be entitled to full costs of suit, and have judgment accordingly.

258. No matter or thing done, and no contract entered into by any sanitary authority or joint board, and no matter or thing done by any member of any such authority or by any officer of such authority or other person whomsoever acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by any such authority, member, officer, or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by such authority to the general purposes of this Act. Provided that nothing in this section shall exempt any member of any such authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor

Protection
of sanitary
authority
and their
officers from
personal
liability.
P. H. (E.),
s. 265.

[A.D. 1877. in the accounts of such authority, and which such member authorised or joined in authorising.

NOTICES.

Orders of the Local Government Board, how to be published.

259. Every order of the Local Government Board under this Act shall be published in such manner as that Board may direct; 5 and every general order of the Local Government Board made in pursuance of the Poor Law Acts shall be published in the Dublin Gazette, and when so published shall take effect in like manner and shall be of as much force and validity as any general order made and sent in the manner prescribed by the last-mentioned 10 Acts, and no further proceeding shall be necessary in such behalf; and as regards any single order of the said Board made in pursuance of the said last-mentioned Acts it shall not be necessary henceforth to send a copy thereof to the clerk to the justices of the petty sessions.

Notices, &c. may be printed or written. P. H. (I.), s. 62. P. H. (E.), s. 266.

260. Notices, orders, and other such documents under this Act 15 may be in writing or print, or partly in writing and partly in print; and if the same require authentication by the sanitary authority the signature thereof by the clerk to the sanitary authority, or their inspector of nuisances, shall be sufficient authentication.

Service of notices. P. H. (E.), s. 267. N. R. 1855, s. 31.

261. Notices, orders, and any other documents required or 20 authorised to be served under this Act may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who 25 can be so served, by fixing the same on some conspicuous part of the premises; they may also be served by post by prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be 30 sufficient to prove that the notice, order, or other document was properly addressed and put into the post.

Any notice by this Act required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect 35 of which the notice is given, without further name or description.

APPEAL.

Appeal in certain cases to Local Government

262. Where any person deems himself aggrieved by the decision of the sanitary authority in any case in which the sanitary authority are empowered to recover in a summary manner any expenses 40

incurred by them, or to declare such expenses to be private improvement expenses, he may, within *twenty-one days* after notice of such decision, address a memorial to the Local Government Board stating the grounds of his complaint, and shall deliver a 5 copy thereof to the sanitary authority; the Local Government Board may make such order in the matter as to the said Board may seem equitable, and the order so made shall be binding and conclusive on all parties.

A.D. 1877.
P. H. (E.),
s. 268.

Any proceedings that may have been commenced for the recovery 10 of such expenses by the sanitary authority shall, on the delivery to them of such copy as aforesaid, be stayed; and the Local Government Board may, if it thinks fit, by its order direct the sanitary authority to pay to the person so proceeded against such sum as the said Board may consider to be a just compensation for the loss, 15 damage, or grievance thereby sustained by him.

263. Where any person deems himself aggrieved by any rate made under the provisions of this Act, or by any order, conviction, judgment, or determination of or by any matter or thing done by any court of summary jurisdiction, such person 20 may appeal therefrom, subject to the conditions and regulations following:

Appeal to
quarter
sessions.
P. H. (E.),
s. 269.

(1.) The appeal shall be made to the next court of quarter sessions for the county, division, or place in which the cause of appeal has arisen, holden not less than twenty-one 25 days after the demand of the rate or the decision of the court from which the appeal is made:

(2.) The appellant shall, within fourteen days after the cause of appeal has arisen, give notice to the other party and to the authority or court of summary jurisdiction by whose 30 act he deems himself aggrieved, of his intention to appeal and of the ground thereof:

(3.) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such 35 appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow:

(4.) Where the appellant is in custody the justice may, on the 40 appellant entering into such recognizance or giving such other security as aforesaid, release him from custody:

A.D. 1877. (5.) On appeals under this Act against any rate—

The chairman of the court before whom such appeal shall be brought shall have power to hear and finally determine the matter of any appeal brought before him under this Act, and shall make such order therein as to 5 him shall seem meet, which order shall be final and conclusive upon all parties; and he shall have power to order the name of any person interested or concerned in the event of such appeal, and having had notice thereof, as herein is provided, to be inserted in such rate, and to 10 be rated at such sum or sums of money, or to order the name of any such person to be struck out of such rate, or the sum or sums at which any such person is rated therein to be altered, as the said chairman shall think right: Provided always, that the chairman to whom such appeal 15 shall be made shall not examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal, nor alter any such rate with respect to other persons or matter than are mentioned and specified in the notice of appeal; but if upon an appeal 20 from the whole of any rate it shall be found necessary to quash or set aside the same, the chairman shall quash the same, and shall in that case order the sanitary authority to make a new rate, and they are hereby required to make the same accordingly. 25

If upon the hearing of any appeal from any rate under this Act, the chairman shall order the name of any person to be struck out of such rate, or the sum or sums rated on any person to be decreased or lowered, and if it shall be made to appear to the chairman that such person hath 30 previously to the hearing of such appeal paid any sum or sums of money in consequence of such rate which he ought not to have been charged with, then and in every such case the chairman shall order all and every such sum and sums of money to be repaid by the said sanitary 35 authority, together with all reasonable costs, charges, and expenses occasioned by such person having been required to pay the same, to be recovered as penalties and forfeitures under this Act, in virtue of the provisions of which such rate shall have been made. 40

The person so appealing shall give or cause to be given at least *fourteen days* notice in writing of his or their

intention of appealing as aforesaid, and of the matter or
cause thereof, to the clerk of the sanitary authority, and
the chairman upon the hearing of such appeal shall not
examine or inquire into any other cause or ground of
appeal than such as is stated and specified in the notice
of appeal; and if any person shall appeal against a rate
because any other person is rated therein at any greater or
less sum than the net annual value of the hereditaments
in respect of which such other person shall be rated, or for
any cause that shall require any alteration to be made in
such rates with respect to any other person, then and in
every such case the person so appealing shall give such
notice of appeal as aforesaid not only to the said clerk, but
also to every other person so interested or concerned in the
event of such appeal, and every such other person shall if
he so desire be heard upon such appeal.

Notwithstanding any such appeal or notice thereof, every
rate shall be payable and shall be levied as if no appeal
had been made until such rate shall be actually quashed
or amended.

The chairman, upon hearing and finally determining the
matter of any appeal, shall and may, according to his dis-
cretion, award such cost to the party appealing or appealed
against as he shall think proper; and his determination in
or concerning the premises shall be conclusive and binding
on all parties to all intents and purposes whatsoever:

(6.) In the case of other appeals the court of appeal may, if it
thinks fit, adjourn the appeal, and on the hearing thereof
may confirm, reverse, or modify the decision of the court
of summary jurisdiction, or remit the matter to the court
of summary jurisdiction with the opinion of the court of
appeal thereon, or make such other order in the matter as
the court thinks just. The court of appeal may also make
such order as to costs to be paid by either party as the
court thinks just:

(7.) The decision of the court of appeal shall be binding on all
parties: Provided that the court of appeal may, if such
court thinks fit, state the facts specially for the determi-
nation of a superior court.

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PART VII.

MISCELLANEOUS PROVISIONS.

Payments
to members
of sanitary
authority
as counsel
illegal.
P. H. (I.),
s. 38.

264. Any payment to any member of a sanitary authority or burial board for acting as counsel, solicitor, attorney, or agent for such authority or board shall be illegal; and if any member of any such authority or board shall so act, or shall accept or hold any office or place of profit under such authority or board of which he is a member, or shall in any manner directly or indirectly be concerned in any bargain or contract entered into by or on behalf of such authority or board, or participate in the profits thereof, then and in every such case such person shall cease to be a member of such authority or board, and his office as such shall thereupon become vacant.

Entry on
lands for
purposes of
Act.
S. U., 1865,
s. 5.
P. H. (E.),
s. 305.

265. Whenever it becomes necessary for a sanitary authority or any of their officers to enter, examine, or lay open, any lands or premises for the purpose of making plans, surveying, measuring, taking levels, making, keeping in repair, or examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries, and the owner or occupier of such lands or premises refuses to permit the same to be entered upon, examined, or laid open, for the purposes aforesaid or any of them, the sanitary authority may, after written notice to such owner or occupier, apply to a court of summary jurisdiction for an order authorising the sanitary authority to enter, examine, and lay open, the said lands and premises for the purposes aforesaid or any of them.

If no sufficient cause is shown against the application the court may make an order accordingly, and on such order being made the sanitary authority or any of their officers may, at all reasonable times between the hours of nine in the forenoon and six in the afternoon, enter, examine, or lay open, the lands or premises mentioned in such order, for such of the said purposes as are therein specified, without being subject to any action or molestation for so doing: Provided that, except in case of emergency, no entry shall be made or works commenced under this section unless at least twenty-four hours notice of the intended entry, and of the object thereof, be given to the occupier of the premises intended to be entered.

Penalty on
obstructing
execution of
Act.
N. R., 1855,
ss. 36, 37.

266. Any person who wilfully obstructs any member of the sanitary authority, or any person duly employed in the execution of this Act, or who destroys, pulls down, injures, or defaces any board on which any byelaw, notice, or other matter is inscribed, shall, if

the same was put up by authority of the Local Government Board or of the sanitary authority, be liable for every such offence to a penalty not exceeding *five pounds*. A.D. 1877. P. H. (E.) s. 306.

Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provisions of this Act, any justice to whom application is made in this behalf shall, by order in writing, require such occupier to permit the execution of any works required to be executed, provided that the same appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within *twenty-four hours* after the making of the order such occupier fails to comply therewith, he shall be liable to a penalty not exceeding *five pounds* for every day during the continuance of such non-compliance.

If the occupier of any premises, when requested by or on behalf of the sanitary authority to state the name of the owner of the premises occupied by him, refuses or wilfully omits to disclose or wilfully mis-states the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding *five pounds*.

267. Any person who wilfully damages any works or property belonging to any sanitary authority, shall, in cases where no other penalty is provided by this Act, be liable to a penalty not exceeding *five pounds*.

Penalty on damaging works, &c. of sanitary authority. S. A., 1866, s. 45. P. H. (E.), s. 307.

268. Where any person sustains any damage by reason of the exercise of any of the powers of this Act, in relation to any matter as to which he is not himself in default, full compensation shall be made to such person by the sanitary authority exercising such powers; and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration in manner provided by this Act, or if the compensation claimed does not exceed the sum of *twenty pounds*, the same may at the option of either party be ascertained by and recovered before a court of summary jurisdiction.

Compensation in case of damage by sanitary authority. S. U., 1865, s. 8. P. H. (E.) s. 308.

269. If any officer of any body by this Act constituted the sanitary authority of any district is, by or in pursuance of this Act or of any provisional order made under the authority of this Act, removed from his office or deprived of the whole or part of the emoluments of his office, and is not employed in an office of equal value, and with equal privileges, by such sanitary authority, the Local Government Board may by order award to such officer such compensation as the said Board may think just; and such compensation may be by way of annuity or otherwise, and shall be paid

Compensation to officers in certain cases. P. H. (I.), s. 32.

A.D. 1877. by the authority of the sanitary district in which such officer held his office out of the rates applicable to sanitary purposes within that district.

As to consent of Local Government Board required in certain cases. P.H. (I.), s. 33.

270. Where in any Local Act the consent, sanction, or confirmation of the Lord Lieutenant, the chief secretary of the Lord Lieutenant, or the Privy Council is required with respect to the borrowing of any money, to the giving effect to any byelaws, or to the appointment of any officer for sanitary purposes, the consent, sanction, or confirmation of the Local Government Board shall, after the passing of this Act, be required instead of that of the authorities above named. 5 10

The consent of the Local Government Board, and not that of the Treasury, shall be required to the borrowing of money for the purposes of the Baths and Washhouses Acts.

The powers vested in or exerciseable by one of Her Majesty's Principal Secretaries of State under the Markets and Fairs Clauses Act, 1847, so far as the same relate to Ireland, are hereby transferred to the Local Government Board, and may in Ireland be exercised by the Local Government Board. 15

If any question arises as to what are sanitary purposes within the meaning of this section, the determination of the Local Government Board on such question shall be conclusive. 20

Settlement of differences arising out of transfer of powers or property to sanitary authority. P. H. (I.), s. 35.

271. Upon the application of any authority from whom or to whom any powers, rights, duties, capacities, liabilities, obligations, and property, or any of them, are transferred or alleged or claimed to be transferred in pursuance of the Sanitary Acts or this Act, upon the passing of this Act, or at any time thereafter by the operation of this Act, or of any provisional order made under the authority of this Act, or of any person affected by such transfer, the Local Government Board may by order settle any doubt or difference and adjust any accounts arising out of or incidental to such powers, rights, duties, capacities, liabilities, obligations, or property, or to the transfer thereof, and direct the parties by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and any provisions contained in any order so made shall be deemed to have been made in pursuance of and to be within the powers conferred by this section, subject to this proviso, that where any such order directs any rate to be made or other act or thing to be done which the party required to make or do would not, apart from the provisions of this Act, have been enabled to make or do by law, such order shall be provisional only until it has been confirmed by Parliament. 25 30 35 40

272. In the construction of the provisions of any Act incorporated with this Act the term "the special Act" includes this Act, and, in the case of the Lands Clauses Acts, any provisional order confirmed by Parliament and authorising the purchase of lands otherwise than by agreement under this Act; the term "the limits of the special Act" means the limits of the district; and the urban or rural authority shall be deemed to be "the promoters of the undertaking," "the commissioners," or "the undertakers," as the case may be.

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As to construction of incorporated Acts.

L. G., s. 4.
P. H. (E.),
s. 316.

10 All penalties incurred under the provisions of any Act incorporated with this Act shall be recovered and applied in the same way as penalties incurred under this Act.

PART VIII.

SAVING CLAUSES AND REPEAL OF ACTS.

15 SAVING CLAUSES.

273. All urban sanitary authorities and rural sanitary authorities existing at the time of the passing of this Act shall be deemed to be urban authorities and rural authorities under this Act; and all joint boards and committees of rural sanitary authorities existing at the time of the passing of this Act, shall be deemed to be joint boards and committees of rural sanitary authorities under this Act; and the members of all the above-mentioned bodies shall hold office for such time as they would respectively have held office if this Act had not been passed; and the officers and servants of all the above-mentioned bodies shall continue to hold their several offices and employments on the same terms and subject to the same conditions, as to duties remuneration and otherwise, as they would have held them if this Act had not been passed; and all byelaws duly made under any of the Sanitary Acts by this Act repealed and not inconsistent with any of the provisions of this Act shall be deemed to be byelaws under this Act; and all the provisions of this Act shall apply to all such bodies existing at the time of the passing of this Act, and to their several officers and servants, in substitution for the provisions of the Sanitary Acts by this Act repealed, but so as not to affect any right acquired or liability incurred under the Sanitary Acts, or any of them, before the passing of this Act, and existing at the time of the passing of this Act.

Provision as to the sanitary authorities existing at the passing of this Act and their officers, &c. P. H. (E.), s. 326.

274. Nothing in this Act shall be construed to authorise any sanitary authority—

40 (1.) To use, injure or interfere with any sluices, floodgates, sewers, groyne or sea defences or other works, already or hereafter made under the authority of any commis-

Saving for works and property of certain authorities, and for navigation.

A.D. 1877.

and water
rights, &c.
P. H. (E.),
s. 327.

sioners of sewers appointed by the Crown, or any sewers or other works already or hereafter made and used by any body of persons or person for the purpose of draining preserving or improving land under any local or private Act of Parliament, or for the purpose of irrigating land; 5
or

- (2.) To disturb or interfere with any lands or other property vested in the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of the Lord High Admiral for the time being or in Her Majesty's Principal Secretary of State for the War Department for the time being; or
- (3.) To interfere with any river, canal, dock, harbour, lock, reservoir or basin, so as to injuriously affect the navigation thereon, or the use thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any body of persons or person are or is by virtue of any Act of Parliament entitled to navigate on or use such river, canal, dock, harbour, lock, reservoir or basin, or to receive any tolls or dues in respect of the navigation thereon or use thereof; or 15
- (4.) To interfere with any watercourse in such manner as to injuriously affect the supply of water to any river, canal, dock, harbour, reservoir or basin, in cases where any such body of persons or person as last aforesaid would, if this Act had not passed, have been entitled by law to prevent or be relieved against such interference; or 25
- (5.) To interfere with any bridges crossing any river, canal, dock, harbour or basin, in cases where any body of persons or person are or is authorised by virtue of any Act of Parliament to navigate or use such river, canal, dock, harbour or basin, or to demand any tolls or dues in respect of the navigation thereon or use thereof; or 30
- (6.) To execute any works in through or under any wharves, quays, docks, harbours or basins, to the exclusive use of which any body of persons or person are or is entitled by virtue of any Act of Parliament, or for the use of which any body of persons or person are or is entitled by virtue of any Act of Parliament to demand any tolls or dues,— 35

Without the consent in every case of such Lord High Admiral or Commissioners for executing the office of Lord High Admiral, Secretary of State, commissioners, body of persons or person as are herein-before in that behalf respectively mentioned, such consent 40

to be expressed in writing in the case of a corporation under their common seal, and in the case of any body of persons not being a corporation under the hand of their clerk or other duly authorised officer or agent. And nothing in this Act shall prejudice or affect

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5 the rights, privileges, powers, or authorities given or reserved to any person under such local or private Acts for draining preserving or improving land as are in this section mentioned.

275. Where any matters or things proposed to be done by any sanitary authority, and not being within the prohibition aforesaid, 10 interfere with the improvement of any river, canal, dock, harbour, lock, reservoir, basin, or towing-path which any body of persons or person are or is entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the navigation whereon or use whereof to demand any tolls or dues, or interfere with any works 15 belonging to such river, canal, dock, harbour, or basin, or with any land necessary for the enjoyment or improvement thereof, the sanitary authority shall give to such body of persons or person a notice specifying the particulars of the matters and things so intended to be done. If the parties on whom such notice is served 20 do not consent to the requisitions thereof, the matter in difference shall be referred to arbitration; and the following questions shall be decided by such arbitration; (that is to say,)

Reference to arbitration in case of works not within preceding section. P. H. (E.), s. 328.

(1.) Whether the matters or things proposed to be done by the sanitary authority will cause any injury to such river, 25 canal, dock, harbour, basin, towing-path, works, or land, or to the enjoyment or improvement of such river, canal, dock, harbour, or basin as aforesaid :

(2.) Whether any injury that may be caused by such matters or things, or any of them, is or is not of a nature to admit of 30 being fully compensated by money.

276. The result of any such arbitration shall be final, and the sanitary authority shall do as follows; (that is to say,)

Effect of arbitration. P. H. (E.), s. 329.

(1.) If the arbitrators are of opinion that no injury will be caused, the sanitary authority may forthwith proceed to 35 do the proposed matters and things :

(2.) If the arbitrators are of opinion that injury will be caused, but that such injury is of a nature to admit of being fully compensated by money, they shall proceed to assess such compensation; and on payment of the amount so assessed, 40 but not before, the sanitary authority may proceed to do the proposed matters and things :

(3.) If the arbitrators are of opinion that injury will be caused, and that it is not of a nature to admit of being fully

A.D. 1877.

compensated by money, the sanitary authority shall not proceed to do any matter or thing in respect of which such opinion may be given.

Provision as
to transfer of
powers, &c.
P. H. (E.),
s. 330.

277. No transfer of powers and privileges under this Act shall deprive any body of persons or person authorised by virtue of any 5 Act of Parliament to navigate on any river or canal, or to demand for their or his own benefit in respect of such navigation any tolls or dues, of such powers and privileges as are vested in them by any Act of Parliament in relation to such river or canal.

Provision as
to alteration
of sewers.
P. H. (E.),
s. 331.

278. Any body of persons or person authorised by virtue of any Act of Parliament to navigate on or use any river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation on such river or canal, or the use of such dock, harbour, or basin, may, at their own expense, and on substituting other sewers, drains, culverts, and pipes equally effectual, and certified as 15 such to the sanitary authority, take up, divert, or alter the level of any sewers, drains, culverts, or pipes constructed by any sanitary authority, and passing under or interfering with such rivers, canals, docks, harbours, or basins, or the towing-paths thereof, and may do all such things as may be necessary for carrying into effect 20 such taking up, diversion, or alteration.

Saving for
water rights
generally.
P. H. (E.),
s. 332.

279. Nothing in this Act shall be construed to authorise any sanitary authority to injuriously affect any reservoir, canal, river, or stream, or the feeders thereof, or the supply, quality, or fall of water contained in any reservoir, canal, river, stream, or in the 25 feeders thereof, in cases where any body of persons or person would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir, canal, river, stream, feeders, or such supply, quality, or fall of water unless the sanitary authority first obtain the consent in writing of the body 30 of persons or person so entitled as aforesaid.

Arbitration
as to altera-
tion of sewers
injuriously
affecting
supply of
water, &c.
P. H. (E.),
s. 333.

280. Any difference of opinion that may arise between a sanitary authority and any such body of persons or person as aforesaid, whether any sewers, drains, culverts, or pipes substituted under the powers of this Act for sewers, drains, culverts, or pipes con- 35 structed or laid down by any sanitary authority are equally effectual with those for which they are substituted, or whether the supply, quality, or fall of water in any such reservoir, canal, river, or stream as last aforesaid is injuriously affected by the exercise of powers under this Act, may, at the option of the party complaining, be 40 determined by arbitration in manner by this part of this Act provided. The arbitrators shall decide the same questions as to the

alleged injury, and the sanitary authority shall proceed in the same way as is by this Act provided with regard to arbitrations in cases of alleged injury to rivers, canals, docks, harbours, and basins. A.D. 1877.

- 281.** Nothing in this Act shall be construed to extend to any mines so as to interfere with or to obstruct the efficient working of the same; nor to the smelting of ores and minerals, nor to the calcining, puddling, and rolling of iron and other metals, nor to the conversion of pig iron into wrought iron, so as to obstruct or interfere with any of such processes respectively. Saving for mines, &c. P. H. (E.), s. 334.
- 282.** Any corporate body required or authorised by or in pursuance of any Act of Parliament to divert its sewers or drains from any river, or to construct new sewers, and any public department of the Government, shall have the like powers and be subject to the like obligations under this Act as they had or were subject to under the Sewage Utilization Act, 1867; and for that purpose the provisions of this Act applicable to purposes the same as or similar to those of the Sewage Utilization Act, 1865, and the Sewage Utilization Act, 1867, shall apply in substitution for the last-mentioned provisions. Saving for corporate bodies and Government departments. P. H. (E.), s. 335.
- 283.** Nothing in this Act shall affect the payment or recovery of any yearly sum payable at the time of the passing of this Act to any sanitary authority in respect of any premises without their district which have a drain communicating with a sewer within their district: Provided that any such sum shall cease to be payable, if and when the connexion between the drain and the sewer is discontinued, from the time of such discontinuance; but if after the discontinuance the connexion is re-established, the yearly sum shall again become payable, and so from time to time. Saving for payment in certain cases to sanitary authority. P. H. (E.), s. 337.
- 284.** Whereas by an Act passed in the second year of Her Majesty, entitled "An Act for the more effectual relief of the destitute poor in Ireland," it was enacted that no instrument made in pursuance of that Act nor the appointment of any paid officer engaged in the administration of the laws for the relief of the poor or in the management or collection of the poor rate shall be charged or chargeable with any stamp duty whatever, and it is expedient to extend such exemptions from stamp duty to instruments and to appointments made in pursuance of the provisions of the Local Government Board (Ireland) Act, 1872: Be it enacted, that no instrument made in pursuance of the provisions of the said last-mentioned Act, and no appointment which has been or shall hereafter be made of any paid officer engaged in the administration of

Appoint-
ments under
35 & 36 Vict.
c. 69, ex-
empt from
stamp duty.
P. H. (L.),
s. 65.

A.D. 1877. — the provisions thereof, shall be charged or chargeable with any stamp duty whatever.

Saving for
acts of
authorities
under
certain local
Acts.
P. H. (E.),
s. 338.

285. All rates, orders, acts, or things made, assessed, performed, or done, before the passing of this Act, by any authority purporting to act under the powers conferred on them by a local Act with respect to any sanitary purposes shall be valid notwithstanding the passing of the Public Health (Ireland) Act, 1874, or of this Act. 5

Saving for
proceedings
under local
Acts.
P. H. (E.),
s. 340.

286. Where within the district of a sanitary authority any local Act is in force, providing for purposes the same as or similar to the purposes of this Act, proceedings may be instituted at the discretion of the authority or person instituting the same, either under the local Act or this Act, or under both, subject to these qualifications: 10

- (1.) That no person shall be punished for the same offence both under a local Act and this Act; and 15
- (2.) That the sanitary authority shall not, by reason of any local Act in force within their district, be exempted from the performance of any duty or obligation to which they may be subject under this Act.

Powers of
Act to be
cumulative.
P. H. (E.),
s. 341.

287. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed. 25

Provided that no person who has been adjudged to pay any penalty in pursuance of this Act shall for the same offence be liable to a penalty under any other Act.

REPEAL OF ACTS.

Repeal of
Acts in
Schedule A.

288. The Acts specified in the first and second columns of Schedule A. to this Act are hereby repealed to the extent in the third column of that schedule mentioned; 30

Provided also, that this repeal shall not affect—

- (a.) Anything duly done or suffered under any enactment hereby repealed; or 35
- (b.) Any right or liability acquired, accrued, or incurred under any enactment hereby repealed, or any regulation or order duly made in pursuance of any such enactment; or
- (c.) Any security given under any enactment hereby repealed; or 40

(d.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or A.D. 1877.

5 (e.) Any investigation, legal proceeding, or remedy in respect of any such right, liability, security, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not been passed.

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SCHEDULES.

SCHEDULE A.

Enactments which have been already repealed are in a few instances included in this repeal, in order to avoid the necessity of reference to previous statutes.

Session and Chapter.	Title or Short Title.	Extent of Repeal.	5
14 & 15 Vict. c. 28. -	The Common Lodging Houses Act, 1851.	The whole Act, so far as same relates to Ireland.	
16 & 17 Vict. c. 41. -	The Common Lodging Houses Act, 1853.	The whole Act, so far as same relates to Ireland.	
23 & 24 Vict. c. 26. -	The Common Lodging Houses Act (Ireland), 1860.	The whole Act.	10
17 & 18 Vict. c. 103.	The Towns Improvement (Ireland) Act, 1854.	Sections 33, 34, 35, 42, 45, 46, 48, 49, 52, 53, 54.	
18 & 19 Vict. c. 116. -	The Diseases Prevention Act, 1855.	The whole Act, so far as relates to Ireland.	15
88 & 19 Vict. c. 121. -	The Nuisances Removal Act for England, 1855.	The whole Act, so far as relates to Ireland.	
23 & 24 Vict. c. 77. -	An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.	The whole Act, so far as relates to Ireland.	20
19 & 20 Vict. c. 98. -	The Burial Grounds (Ireland) Act, 1856.	The whole Act.	
23 & 24 Vict. c. 76. -	An Act to amend the Burial Grounds (Ireland) Act, 1856.	The whole Act.	25
26 & 27 Vict. c. 117. -	The Nuisance Removal Act for England (Amendment) Act, 1863.	The whole Act, so far as relates to Ireland.	
28 & 29 Vict. c. 75. -	The Sewage Utilization Act, 1865.	The whole Act, so far as relates to Ireland.	30
29 & 30 Vict. c. 41. -	The Nuisances Removal (No. 1.) Act, 1866.	The whole Act, so far as relates to Ireland.	
29 & 30 Vict. c. 90. -	The Sanitary Act, 1866 -	The whole Act, so far as relates to Ireland.	
30 & 31 Vict. c. 113. -	The Sewage Utilization Act, 1867.	The whole Act, so far as relates to Ireland.	35
31 & 32 Vict. c. 115. -	The Sanitary Act, 1868 -	The whole Act, so far as relates to Ireland.	
32 & 33 Vict. c. 100. -	The Sanitary Loans Act, 1869	The whole Act, so far as relates to Ireland.	40
34 & 35 Vict. c. 109. -	The Local Government (Ireland) Act, 1871.	The whole Act except sections 11 to 18, both inclusive, 20, 21, 24 to 27, both inclusive, 29 and 30, and the schedule.	45
35 & 36 Vict. c. 69. -	The Local Government Board (Ireland) Act, 1872.	Sections 8 and 9.	
36 & 37 Vict. c. 78. -	The Sanitary Act, 1866, (Ireland) Amendment Act, 1873.	The whole Act.	
37 & 38 Vict. c. 93. -	The Public Health (Ireland) Act, 1874.	The whole Act.	50

SCHEDULE B.

A.D. 1877.

FORM .

Form of Mortgage of Rates.

By virtue of the Public Health (Ireland) Act, 1876, we the
 5 being the sanitary authority under that Act for the district of in
 consideration of the sum of paid to the treasurer of the said district
 by A.B. of for the purposes of the said Act, do grant and assign
 unto the said A.B., his executors, administrators, and assigns, such proportion
 of the rates arising or accruing by virtue of the said Act from [*the rates mort-*
 10 *gaged*] as the said sum of doth or shall bear to the whole sum
 which is or shall be borrowed on the credit of the said rates, to hold to the
 said A.B., his executors, administrators, and assigns, from the day of the date
 hereof until the said sum of with interest at the rate of
 per centum per annum for the same, shall be fully paid and satisfied: And it
 15 is hereby declared, that the said principal sum shall be repaid on the
 day of at [*place of payment*]. Dated this day of
 one thousand eight hundred and

[*To be sealed with the common seal of the local authority.*]

FORM .

20 *Form of Transfer of Mortgage.*

I A.B. of , in consideration of the sum of paid to me by
 C.D. of , do hereby transfer to the said C.D., his executors, admi-
 nistrators, and assigns, a certain mortgage, bearing date the day of
 and made by the sanitary authority under the Public Health (Ireland) Act,
 25 1876, for the district of for securing the sum of and
 interest thereon at per centum per annum [*or if such transfer be by*
endorsement on the mortgage, insert, instead of the words immediately following
the word "assigns," the within security], and all my right, estate, and interest
 in and to the money hereby secured, and in and to the rates thereby assigned.
 30 In witness whereof I have hereunto set my hand and seal this day of
 one thousand eight hundred and

A.B. (L.S.)

FORM .

Form of Rentcharge.

35 By virtue of the Public Health (Ireland) Act, 1876, we the
 being the sanitary authority under that Act for the district of do
 hereby declare and absolutely order that the inheritance of the [*dwelling-house,*
shop, lands, and premises, as the case may be], situated in street

[116.]

P

A.D. 1877. in the parish of _____ within the said district, and now in the occupa-
 ——— tion of _____, shall be absolutely charged with the sum of _____
 pounds, paid by _____ of _____ for the improvement by
 drainage and water supply [*as the case may be*] of the same dwelling-house,
 shop, lands, and premises [*as the case may be*], together with interest for the 5
 same from the date hereof at _____ pounds per centum per annum, until
 full payment thereof; and also all costs incurred by the said
 his executors, administrators, or assigns, under this security, shall be fully paid
 and satisfied: And we hereby further declare that the said principal and 10
 interest moneys shall be paid and payable by the owner or occupier of the said
 premises to the said _____ his executors, administrators, and assigns, in
 manner following; (that is to say,) the interest on such principal sum of
 _____ pounds, or on so much thereof as shall from time to time remain
 due and payable under this order, shall be paid and payable by equal half-yearly
 payments whilst payable on the _____ day of _____ and the 15
 _____ day of _____ in every year, the first payment thereof to
 be made on the _____ day of _____ next, and such principal sum
 of _____ pounds shall be paid and payable by _____ equal
 annual instalments on the _____ day of _____ in each of the next
 succeeding _____ years, towards the discharge of the same principal 20
 sum, until the whole shall be fully satisfied and discharged.

[*To be sealed with the common seal of the sanitary authority.*]

Public Health (Ireland)

A

B I L L

To consolidate and amend the Acts
relating to Public Health in Ireland

*(Prepared and brought in by
Sir Michael Hicks Beach and
Mr. Attorney-General for Ireland.)*

*Ordered, by The House of Commons, to be Printed
15 March 1877.*

[Bill 116.]

Under 17 oz.

Public Health (Ireland) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

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Clause.

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285. Arbitration as to alteration of sewers injuriously affecting supply of water, &c.

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- T. I. A. 17 & 18 Vict. c. 103. "The Towns Improvement (Ireland) Act, 1854."
- L. G. A. 34 & 35 Vict. c. 109. "The Local Government (Ireland) Act, 1871."
- L. G. B. 35 & 36 Vict. c. 69. "The Local Government Board (Ireland) Act, 1872."
- P. H. I. 37 & 38 Vict. c. 93. "The Public Health (Ireland) Act, 1874."
- P. H. E. 38 & 39 Vict. c. 55. "The Public Health Act, 1875."
- N.R. 1855 18 & 19 Vict. c. 121. Nuisances Removal, 1855.
- N.R. 1860 23 & 24 Vict. c. 77. " " 1860.
- N.R. 1863 26 & 27 Vict. c. 117. " " 1863.
- S. U. 1865 28 & 29 Vict. c. 75. Sewage Utilization, 1865.
- S. U. 1867 30 & 31 Vict. c. 113. " " 1867.
- S. A. 1866 29 & 30 Vict. c. 90. Sanitary Act, 1866.*
- S. A. 1868 31 & 32 Vict. c. 115. " 1868.
- S. A. 1869 32 & 33 Vict. c. 100. Sanitary Loans Act, 1869.
- C.L. 1851 14 & 15 Vict. c. 28. Common Lodging Houses, 1851, } as amended
by
- C.L. 1853 16 & 17 Vict. c. 41. Common Lodging Houses, 1853, } 23 & 24 Vict.
c. 26.
- D. P. 18 & 19 Vict. c. 116. Diseases Prevention, 1855, as amended by 23 & 24 Vict. c. 77, and extended to Ireland by 29 & 30 Vict. c. 90.
- B. G. 1856. 19 & 20 Vict. c. 98. The Burial Grounds (Ireland) Act, 1856.
- B. G. 1860. 23 & 24 Vict. c. 76. The Burial Grounds (Ireland) Act, 1856, Amendment.

* This Act amends in important particulars the Nuisances Removal Acts.

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B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Consolidate and amend the Acts relating to Public Health in Ireland. A. D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 PRELIMINARY.

1. This Act may be cited for all purposes as "The Public Health (Ireland) Act, 1877." Short title.

2. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them ; Interpreta-
tion of terms.
10 that is to say,

"Borough" means any place for the time being subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intitled "An Act for the regulation of municipal corporations

15 "in Ireland," and any Act amending the same :

"Local Government Board" means the Local Government Board for Ireland :

"Person" includes any body of persons, whether corporate or unincorporate :

20 "Sanitary authority" means urban sanitary authority or rural sanitary authority, as by this Act defined, as the case may be :

"Lands" and "Premises" include messuages, buildings, lands, easements, and hereditaments of any tenure :

25 "Owner" means the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or

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- trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent :
- “Rackrent” means rent which is not less than two thirds of the full net annual value of the property out of which the rent arises as ascertained under the Acts relating to the Valuation of Rateable Property in Ireland :
- “Street” includes any highway and any public bridge and any road, lane, footway, square, court, alley, or passage whether a thoroughfare or not :
- “House” includes schools, factories, and other buildings in which more than twenty persons are employed at one time :
- “Drain” means any drain of and used for the drainage of one building only or of premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed :
- “Sewer” includes sewers and drains of every description, except drains to which the word “drain” interpreted as aforesaid applies, and except drains vested in or under the control of any authority having the management of roads and not being a sanitary authority under this Act :
- “Slaughter-house” includes the buildings and places commonly called slaughter-houses and knackers yards, and any building or place used for slaughtering cattle, horses, or animals of any description for sale :
- “Common lodging-house” means a house in which or in any part of which persons are harboured or lodged for hire for a single night, or for less than a week at a time :
- “Water company” means any person or body of persons corporate or unincorporate supplying or who may hereafter supply water for his or their own profit :
- “Waterworks” includes streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueduct, cuts, sluices, mains, pipes, culverts, engines, and all machinery, lands, buildings, and things for supplying or used for supplying water, also the stock in trade of any water company :
- “Labouring Classes Lodging Houses Acts” means 29 & 30 Vict. c. 44 (Labouring Classes Lodging Houses and Dwellings Act (Ireland), 1866); 30 & 31 Vict. c. 28 (Labouring Classes Dwelling Houses Act, 1867) :
- “Artizans and Labourers Dwellings Act” means 31 & 32 Vict. c. 130 (Artizans and Labourers Dwellings Act, 1868) :

"Bakehouse Regulation Act" means 26 & 27 Vict. c. 40 (Bakehouse Regulation Act, 1863): A.D. 1877.

"Diseases Prevention Act" means 18 & 19 Vict. c. 116 (Diseases Prevention Act, 1855) as amended by 23 & 24 Vict. c. 77 (An Act to amend the Acts for the removal of nuisances and the prevention of diseases), as the same are amended and extended to Ireland by the Sanitary Act, 1866:

"Baths and Washhouses Acts" means 9 & 10 Vict. c. 87 (An Act for promoting the voluntary establishment in boroughs and certain towns in Ireland of public baths and washhouses):

"Sanitary Acts" means all the above-mentioned Acts and the Acts mentioned in the Schedule A. to this Act annexed, except the Burial Grounds Acts as herein-after defined, and includes any amendments of such Acts, and with respect to any urban sanitary district, includes any Act, local Act, or provisional order relating to the same subject matters as the above-mentioned Acts in force within such district:

"Sanitary purposes" means any objects or purposes of the Sanitary Acts:

"Burial Grounds Acts" means the Burial Grounds (Ireland) Act, 1856, as the same is amended by the 23 & 24 Vict. c. 76:

"Lands Clauses Acts" means and includes the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1860; the Railways Act (Ireland), 1864, and the Railway Traverse Act:

"Poor Law Acts" means 1 & 2 Vict. c. 56, and the Acts amending the same:

The expression "Summary Jurisdiction Acts" means, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same:

The expression "court of summary jurisdiction" means any justice or justices of the peace, or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to:

"Chairman" includes recorder:

"Court of quarter sessions" means the court of general or quarter sessions of the peace having jurisdiction over the whole or any part of the district or place in which the matter requiring the cognizance of general or quarter sessions arises, and when

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used in reference to any suit or proceeding prosecuted or taken in any borough in which there shall be a recorder having jurisdiction to hear appeals from rates, or from any order, conviction, or judgment of any court of summary jurisdiction, includes the court of such recorder.

5

PART I.

SANITARY AUTHORITIES.

Urban and rural sanitary districts.
P. H. (I.), s. 2.

3. For the purposes of this Act Ireland shall be divided into sanitary districts to be called respectively—
(1.) Urban sanitary districts; and
(2.) Rural sanitary districts;
and every such urban and rural sanitary district shall respectively be subject to the jurisdiction of a sanitary authority, in this Act called an urban sanitary authority or urban authority and a rural sanitary authority or rural authority invested with the powers in this Act mentioned.

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Description of urban sanitary districts and urban sanitary authorities.
P. H. (I.), s. 3.

4. Urban sanitary districts (or urban districts) shall consist of the places in that behalf mentioned in the first column of the table in this section contained, and urban sanitary authorities (or urban authorities) shall be the several bodies of persons specified in the second column of the said table in relation to the said places respectively.

20

TABLE above referred to.

Urban Sanitary District.	Urban Sanitary Authority.
The City of Dublin - - - - -	The Right Honourable the Lord Mayor, Aldermen, and Burgesses acting by the Town Council. 25
Towns corporate (except Dublin) - - - - -	The Mayor, Aldermen, and Burgesses acting by the Town Council. 30
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Commissioners appointed by virtue of an Act made in the ninth year of the reign of George the Fourth, intitled "An Act to make provision for the lighting, cleansing, and watching of cities and towns corporate and market towns in Ireland in certain cases."	The Commissioners. 35
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Municipal Commissioners under 3 & 4 Vict. c. 108.	The Municipal Commissioners. 40
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Town Commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 103).	The Town Commissioners. 45
Towns or townships having Commissioners under Local Acts.	The Town or Township Commissioners.

5. Every urban authority may from time to time appoint out of their own number so many persons as they may think fit for any purposes of this Act which, in the opinion of such authority, would be regulated and managed by means of a committee: Provided that a committee so appointed shall in no case be authorised to borrow any money, to make any rate, or to enter into any contract, and shall be subject to any regulations and restrictions which may be imposed by the authority that formed it.

A.D. 1877.

Power of urban authority to appoint committee.

6. The area of every poor law union, with the exception of those portions (if any) of the area which are included in urban sanitary districts, shall form a rural sanitary district (or rural district), and the guardians of the union shall, as such, be the rural sanitary authority or rural authority of such district, subject to the following conditions; that is to say,

Description of rural sanitary districts and rural sanitary authorities. P. H. (I.), s. 4.

(1.) No elective guardian of any electoral division belonging to such union and forming or being wholly included within an urban sanitary district shall act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority:

(2.) Where part of an electoral division belonging to a union forms or is situated in an urban sanitary district, the Local Government Board may, by order, divide such electoral division into separate wards and determine the number of guardians to be elected by such wards respectively, in such manner as to provide for the due representation of the part of the electoral division lying within the rural sanitary district; but until such order has been made the guardian or guardians of such electoral division may act and vote as members of the rural sanitary authority in the same manner as if no part of such electoral division formed part of or was situated in an urban sanitary district:

(3.) An ex-officio guardian resident in any electoral division, or part thereof, belonging to such union which forms or is situated in an urban sanitary district shall not act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority unless he is the owner or occupier of property situated in the rural sanitary district of a value sufficient to qualify him as an elective guardian for the union.

7. The Local Government Board shall have power, by provisional order, to separate from a rural sanitary district any town or district wholly situate therein, the population of which, according to the

Power to alter sanitary districts. P. H. (I.) s. 5.

A.D. 1877. then last parliamentary census, exceeds *six thousand*, and in which there shall be town or township commissioners under any Act of Parliament, and to constitute it an urban sanitary district to be thereafter subject to all the provisions of this Act affecting urban sanitary districts, or to include any such town or district wholly 5 situate in a rural sanitary district in any adjoining urban sanitary district, which when so included in such urban sanitary district, shall be subject to all the provisions of the Acts constituting the urban authority of such urban sanitary district, and to all the provisions of this Act affecting urban sanitary districts; and the said 10 Board shall likewise have power, by provisional order, to add any town or township under this Act constituted an urban sanitary authority to the rural sanitary district in which it is situate, to be subject thereafter to all provisions of this Act affecting rural sanitary districts. No such provisional order shall be made except on petition 15 from such town, township, or district.

Powers and
duties of
urban autho-
rities.
P. H. (E.),
s. 10.
P. H. (I.),
s. 7.

8. Every urban authority shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations exercise-able by or attaching to an urban authority under this Act, and in 20 addition thereto shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations within such district exerciseable or attaching by and to the local authority under the Bakehouse Regulation Act and the Artizans and Labourers 25 Dwellings Act, or any Acts amending the same.

Where the Baths and Wash-houses Acts and the Labouring Classes Lodging Houses Acts, or any of them, are in force within the district of any urban authority, such authority shall have all powers, rights, duties, capacities, liabilities, and obligations in 30 relation to such Acts exerciseable by or attaching to commissioners or persons acting in the execution of the said Acts, or any of them.

Where the Baths and Wash-houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts; and where the Labouring Classes Lodging Houses Acts 35 are not in force within the district of any urban authority, such authority may adopt such Acts.

Where any local Act other than an Act for the conservancy of any river is in force within the district of an urban authority, conferring on any commissioners, trustees, or other persons powers for 40 purposes the same as or similar to those of this Act (but not for their own pecuniary benefit), all the powers, rights, duties, capa-

cities, liabilities, and obligations of such commissioners, trustees, or other persons, in relation to such purposes, shall be transferred and attach to the said urban authority.

A.D. 1877.

9. Every rural authority shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations exercisable by or attaching to a rural authority under this Act, and in addition thereto shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations within such district exercisable by or attached to the local authority under the Bakehouse Regulation Act, or any Acts amending the same.

Powers and duties of rural authorities.
P. H. (E.), s. 11.
P. H. (I.), s. 7.

10. From and after the passing of this Act all such property, real and personal, including all interests, rights, and easements in, to, and out of property, real and personal (including things in action), as belongs to or is vested in any sanitary authority as the sanitary authority of any district under the Sanitary Acts, shall continue vested in such authority, subject to all debts, liabilities, and obligations affecting the same property.

Vesting of property in sanitary authorities.
P. H. (E.), s. 12.
P. H. (I.), s. 9.

- 20 All such property of a sanitary authority shall be held by such authority upon trust for the district or several places respectively within its jurisdiction for the purposes of this Act.

11. Every medical officer of a dispensary district shall be a sanitary officer for such district, or for such part thereof as he shall personally be in charge of, under the title of medical officer of health, with such additional salary as the sanitary authority thereof may determine, with the approval of the Local Government Board; and every sanitary authority, whether urban or rural, shall appoint such other sanitary officers, including a medical superintendent officer of health when deemed necessary, as the Local Government Board shall in each case direct, with such salaries or additional salaries as the said sanitary authority shall determine, with the approval of the Local Government Board; and the said Board shall assign to the dispensary medical officers, and to the other sanitary officers, if any, and to the medical superintendent officer of health, if such an officer be appointed for the sanitary district, their respective duties and functions in the discovery or inspection or removal of nuisances, in the supply of pure water, in the making or repairing of sewers and drains, or in generally superintending the execution of the sanitary laws within the district.

Sanitary officers and superintendent officers of health.
P. H. (I.), s. 10.

Provided that with regard to salaries or additional salaries whereof any portion is to be recouped to any local fund from moneys voted

A.D. 1877. by Parliament, the amount of any new salary and the proportion between any existing salary, and the addition thereto, shall be regulated according to a scale to be approved by the Commissioners of Her Majesty's Treasury.

Every such salary or additional salary so determined or approved 5 shall be payable from such local fund as the Local Government Board shall indicate as properly chargeable therewith, *and such part thereof as Parliament shall from time to time determine shall be recouped to such local fund out of moneys to be voted by Parliament*; and the Local Government Board shall have the 10 same powers with regard to the qualification, appointment, duties, regulation of salary, and tenure of office of every sanitary officer as they have in the case of the medical officer of a dispensary district.

Union of Districts.

Formation
of united
district.
P. H. (I.),
ss. 19, 20.
P. H. (E.),
s. 279.

12. Where it appears to the Local Government Board, on the 15 application of the sanitary authorities of any sanitary districts, or of any of such authorities, and after due inquiry, that it would be for the advantage of such sanitary districts, or of any of them, or of any parts thereof, or of any contributory places in any rural sanitary district or districts, that they should be formed into a united district 20 for all or any of the purposes following; that is to say,

- (1.) The procuring a common supply of water; or
- (2.) The making a main sewer or carrying into effect a system of sewerage for the use of all such districts or contributory places; or
- (3.) For any other purpose of this Act,

the Local Government Board may, by provisional order, form such districts or contributory places into a united district.

All costs, charges, and expenses of and incidental to the formation of a united district shall, in the event of the united district being 30 formed, be a first charge on the rates leviable in the united district in pursuance of this Act.

Governing
body of
united dis-
trict.
P. H. (I.),
s. 21.
P. H. (E.),
s. 280.

13. The governing body of a united district shall be a joint board consisting of such ex-officio members and of such number of elective members as the Local Government Board may, by the provisional 35 order forming the district, determine.

A joint board shall be a body corporate by such name as may be determined by the provisional order, having a perpetual succession and a common seal, with power to acquire and hold lands for the purposes of its constitution without any license in mortmain. 40

No act or proceeding of a joint board shall be questioned on account of any vacancies therein.

No defect in the qualification or election of any person or persons acting as a member or members of a joint board shall be deemed to vitiate any proceedings of such board in which he or they has or have taken part. A.D. 1877.

- 5 Any minute made of proceedings at a meeting of a joint board, if signed either at the meeting at which such proceedings took place or at the next ensuing meeting by any person purporting for the time being to be the chairman of the board, shall be receivable in evidence of such proceedings in all legal proceedings without
10 further proof, and until the contrary is proved every meeting of a joint board where minutes have been so made of the proceedings shall be deemed to have been duly convened and held and all the members thereof to have been duly qualified.

14. The provisional order forming a united district under this
15 Act shall define the purposes for which such united district is formed, and the powers, rights, duties, capacities, liabilities, and obligations under this Act which the joint board is authorised to exercise or perform or is made subject to, and shall contain regulations as to the qualification and mode of election of elective
20 members of the joint board, as to their continuance in office, as to casual vacancies in the joint board, as to its meetings and officers, and any other matter or thing, including the adjustment of present and future liabilities and property, with respect to which the Local Government Board may think fit to make any regulations for the
25 better carrying into effect the provisions of this Act with respect to united districts.

Regulation
as to con-
stitution of
joint board.
P. H. (I.),
s. 22.
P. H. (E.),
s. 281.

- Upon the constitution of a joint board the sanitary authorities having jurisdiction in the component districts or contributory places shall cease to exercise therein any powers, or to perform any duties,
30 or to be subject to any liabilities or obligations which the joint board is authorised to exercise or perform or is made subject to; nevertheless the said joint board may delegate to the sanitary authority of any component district the exercise of any of its powers for the performance of any of its duties, with the approval of the
35 Local Government Board.

A.D. 1877.

PART II.

SANITARY PROVISIONS.

SEWERAGE AND DRAINAGE.

Regulations as to Sewers and Drains.

Sewers
vested in
sanitary
authority.
P. H. (E.),
s. 13.

15. All existing and future sewers within the district of a sanitary authority, together with all buildings, works, materials, and things belonging thereto,

Except

- (1.) Sewers made by any person for his own profit, or by any company for the profit of the shareholders; and 10
- (2.) Sewers made and used for the purpose of draining, preserving, or improving land under any local or private Act of Parliament, or for the purpose of irrigating land; and
- (3.) Sewers under the authority of any commissioners of sewers appointed by the Crown, 15

shall vest in and be under the control of such sanitary authority.

Provided that sewers within the district of a sanitary authority which have been or which may hereafter be constructed by or transferred to some other sanitary authority or by or to a sewage board or other authority empowered under any Act of Parliament to construct sewers, shall (subject to any agreement to the contrary) vest in and be under the control of the authority who constructed the same or to whom the same have been transferred. 20

Power to
purchase
sewers.
P. H. (E.),
s. 14.
T. I. A.,
ss. 33, 34.

16. Any sanitary authority may purchase or otherwise acquire from any person any sewer, or any right of making or of user or other right in or respecting a sewer (with or without any buildings, works, materials, or things belonging thereto), within their district, and any person may sell or grant to such authority any such sewer, right, or property belonging to him; and any purchase money paid by such authority in pursuance of this section shall be subject to the same trusts (if any) as the sewer, right, or property sold was subject to. 25 30

But any person who, previously to the purchase of a sewer by such authority, has acquired a right to use such sewer shall be entitled to use the same, or any sewer substituted in lieu thereof, to the same extent as he would or might have done if the purchase had not been made. 35

Maintenance
and making
of sewers.
P. H. (E.),
s. 15.
S. U., 1865,
s. 4.

17. Every sanitary authority shall keep in repair all sewers belonging to them, and shall cause to be made such sewers as may be necessary for effectually draining their district for the purposes of this Act. 40

18. Any sanitary authority may carry any sewer through, across, or under any road, or any street or place laid out as or intended for a street, or under any cellar or vault which may be under the pavement or carriageway of any street, and, after giving reasonable
 5 notice in writing to the owner or occupier into, through, or under any lands whatsoever within their district.

A.D. 1877.
 Powers for making sewers.
 P. H. (E.), s. 16.
 S. U., 1865, s. 4.
 S. U., 1867, s. 3.

They may also (subject to the provisions of this Act relating to sewage works without the district of the sanitary authority) exercise all or any of the powers given by this section without their district
 10 for the purpose of outfall or distribution of sewage.

19. Nothing in this Act shall authorise any sanitary authority to make or use any sewer, drain, or outfall for the purpose of conveying sewage or filthy water into any natural stream or watercourse, or into any canal, pond, or lake until such sewage or filthy water
 15 is freed from all excrementitious or other foul or noxious matter such as would affect or deteriorate the purity and quality of the water in such stream or watercourse, or in such canal, pond, or lake.

Sewage to be purified before being discharged into streams.
 P. H. (E.), s. 17.
 S. U., 1865, s. 11.

20. Any sanitary authority may from time to time enlarge, lessen, alter the course of, cover in, or otherwise improve any sewer belonging to them, and may discontinue, close up, or destroy any such
 20 sewer that has in their opinion become unnecessary, on condition of providing a sewer as effectual for the use of any person who may be deprived in pursuance of this section of the lawful use of any sewer : Provided that the discontinuance, closing up, or destruction of any
 25 sewer shall be so done as not to create a nuisance.

Alteration and discontinuance of sewers.
 P. H. (E.), s. 18.
 S. U., 1865, s. 4.

21. Every sanitary authority shall cause the sewers belonging to them to be constructed, covered, ventilated, and kept so as not to be a nuisance or injurious to health, and to be properly cleansed and emptied.

Cleansing sewers.
 P. H. (E.), s. 19.
 S. U., 1865, s. 4.

22. Every urban sanitary authority shall, and any rural sanitary authority may, if they think fit, provide a map exhibiting the system of sewerage, if any, in their district, and such map shall be kept at their office, and shall be revised from time to time, and shall at all reasonable times be open to the inspection of the rate-
 30 payers of their district.

Map of system of sewerage.
 P. H. (E.), s. 20.
 T. I. A., s. 32.

23. The owner or occupier of any premises within the district of a sanitary authority shall be entitled to cause his drains to empty into the sewers of that authority on condition of his giving such notice as may be required by that authority of his intention so to
 40 do, and of complying with the regulations of that authority in respect of the mode in which the communications between such drains and sewers are to be made, and subject to the control of any

Power of owners and occupiers within district to drain into sewers of sanitary authority.
 P. H. (E.), s. 21.

A.D. 1877. person who may be appointed by that authority to superintend the making of such communications.
 S. A., 1866, s. 8.

Any person causing a drain to empty into a sewer of a sanitary authority without complying with the provisions of this section shall be liable to a penalty not exceeding *twenty pounds*, and the sanitary authority may close any communication between a drain and sewer made in contravention of this section, and may recover in a summary manner from the person so offending any expenses incurred by them under this section.

Use of
sewers by
owners and
occupiers
without
district.
P. H. (E.),
s. 22.
S. A., 1866,
s. 9.

24. The owner or occupier of any premises without the district of a sanitary authority may cause any sewer or drain from such premises to communicate with any sewer of the sanitary authority on such terms and conditions as may be agreed on between such owner or occupier and such sanitary authority, or as in case of dispute may be settled, at the option of the owner or occupier, by a court of summary jurisdiction or by arbitration in manner provided by this Act.

Power of
sanitary
authority
to enforce
drainage of
undrained
houses.
P. H. (E.),
s. 23.
S. A., 1866,
s. 10.

25. Where any house within the district of a sanitary authority is without a drain sufficient for effectual drainage, the sanitary authority may by written notice require the owner or occupier of such house, within a reasonable time therein specified, to make a covered drain or drains emptying into any sewer which the sanitary authority are entitled to use, and which is not more than one hundred feet from the site of such house; but if no such means of drainage are within that distance, then emptying into such cesspool or other place not being under any house as the sanitary authority direct; and the sanitary authority may require any such drain or drains to be of such materials and size, and to be laid at such level, and with such fall as may appear to them to be necessary.

If such notice is not complied with, the sanitary authority may, after the expiration of the time specified in the notice, do the work required, and may recover in a summary manner the expenses incurred by them in so doing from the owner, or may by order declare the same to be private improvement expenses.

Provided that where, in the opinion of the sanitary authority, greater expense would be incurred in causing the drains of two or more houses to empty into an existing sewer pursuant to this section, than in constructing a new sewer and causing such drains to empty therein, the sanitary authority may construct such new sewer, and require the owners or occupiers of such houses to cause their drains to empty therein, and may apportion as they deem just the expenses of the construction of such sewer among the owners of the several houses, and recover in a summary manner the sums apportioned

from such owners, or may by order declare the same to be private improvement expenses. A.D. 1877.

26. Where any house within the district of a sanitary authority has a drain communicating with any sewer, which drain though
 5 sufficient for the effectual drainage of the house is not adapted to the general sewerage system of the district, or is in the opinion of the sanitary authority otherwise objectionable, the sanitary authority may, on condition of providing a drain or drains as effectual for the drainage of the house, and communicating with such other sewer
 10 as they think fit, close such first-mentioned drain, and may do any works necessary for that purpose, and the expenses of those works, and of the construction of any drain or drains provided by them, under this section, shall be deemed to be expenses properly incurred by them in the execution of this Act.

Power of sanitary authority to require houses to be drained into new sewers.
 P. H. (E.), s. 24.

27. It shall not be lawful in any urban district newly to erect any house or to rebuild any house which has been pulled down to or below the first floor, or to occupy any house so newly erected or rebuilt, unless and until a covered drain or drains be constructed, of such size and materials, in such manner, and at such level, and with
 20 such fall as may appear to the urban authority to be necessary for the effectual drainage of such house; and the drain or drains so to be constructed shall empty into some sewer which the urban authority are entitled to use, and which is within one hundred feet of some part of the site of the house to be built or rebuilt; but if no such means
 25 of drainage are within that distance, then shall empty into such covered cesspool or other place, not being under any house, as the urban authority direct.

Penalty on building house without drains in urban district.
 P. H. (E.), s. 25.
 T. I. A., s. 35.

Any person who causes any house to be erected or rebuilt or any drain to be constructed in contravention of this section shall be liable
 30 to a penalty not exceeding *fifty pounds*.

28. Any person who in any urban district, without the written consent of the urban authority,—

Penalty on unauthorised building over sewers and under streets in urban district.
 P. H. (E.), s. 26.

(1.) Causes any building to be newly erected over any sewer of the urban authority; or,
 35 (2.) Causes any vault, arch, or cellar to be newly built or constructed under the carriageway of any street,
 shall forfeit to the urban authority the sum of *five pounds* and a further sum of *forty shillings* for every day during which the offence is continued after a written notice in this behalf from the urban
 40 authority; and the urban authority may cause any building, vault, arch, or cellar erected or constructed in contravention of this section to be altered, pulled down, or otherwise dealt with as they may think fit, and may recover in a summary manner any expenses incurred by them in so doing from the offender.

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Disposal of Sewage.

Powers for
disposing of
sewage.
P. H. (E.),
s. 27.
S. U., 1865,
s. 14.
S. U., 1867,
ss. 3 and 4.

29. For the purpose of receiving, storing, disinfecting, distributing, or otherwise disposing of sewage, any sanitary authority may—

- (1.) Construct any works within their district, or (subject to the provisions of this Act as to sewage works without the district of the sanitary authority) without their district; and 5
- (2.) Contract for the use of, purchase, or take on lease any land, buildings, engines, materials, or apparatus, either within or without their district; and 10
- (3.) Contract to supply for any period not exceeding twenty-five years any person with sewage, and as to the execution and costs of works either within or without their district for the purposes of such supply : 15

Provided that no nuisance be created in the exercise of any of the powers given by this section.

Power to
agree for
communi-
cation of
sewers with
sewers of
adjoining
district.
P. H. (E.),
s. 28.
P. H. (I.),
s. 25.

30. The sanitary authority of any district may, by agreement with the sanitary authority of any adjoining district, and with the sanction of the Local Government Board, cause their sewers to communicate with the sewers of such last-mentioned authority, in such manner and on such terms and subject to such conditions as may be agreed on between the sanitary authorities, or, in case of dispute, may be settled by the Local Government Board : Provided that so far as practicable storm waters shall be prevented from flowing from the sewers of the first-mentioned authority into the sewers of the last-mentioned authority, and that the sewage of other districts or places shall not be permitted by the first-mentioned authority to pass into their sewers so as to be discharged into the sewers of the last-mentioned authority without the consent of such last-mentioned authority. 20 25 30

Power to
deal with
land appro-
priated to
sewage pur-
poses.
P. H. (E.),
s. 29.
S. U., 1867,
s. 5.

31. Any sanitary authority may deal with any lands held by them for the purpose of receiving, storing, disinfecting, or distributing sewage in such manner as they deem most profitable, either by leasing the same for a period not exceeding twenty-one years for agricultural purposes, or by contracting with some person to take the whole or a part of the produce of such land, or by farming such land and disposing of the produce thereof; subject to this restriction, that in dealing with land for any of the above purposes, provision shall be made for effectually disposing of all the sewage brought to such land without creating a nuisance. 35 40

- 32.** Where any sanitary authority agree with any person as to the supply of sewage and as to works to be made for the purpose of such supply, they may contribute to the expense of carrying into execution by such person all or any of the purposes of such agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid has been or may hereafter be entered into by such sanitary authority, or to or in which the benefits and obligations of such agreement may have been or may be transferred or vested.
- 33.** The making of works of distribution and service for the supply of sewage to lands for agricultural purposes shall be deemed an "improvement of land" authorised by "The Improvement of Land Act, 1864," and the provisions of that Act shall apply accordingly.
- As to Sewage Works without District.*
- 34.** A sanitary authority shall, three months at least before commencing the construction or extension of any sewer or other work for sewage purposes without their district, give notice of the intended work by advertisement in one or more of the local newspapers circulating within the district where the work is to be made. Such notice shall describe the nature of the intended work, and shall state the intended termini thereof, and the names of the townlands, and the roads and streets, and other lands (if any) through, across, under, or on which the work is to be made, and shall name a place where a plan of the intended work is open for inspection at all reasonable hours; and a copy of such notice shall be served on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and on the sanitary authority having jurisdiction over the same, and on the secretary of the grand jury sanitary authority or other person having the care of such roads or streets.
- 35.** If any such owner, lessee, or occupier, or any such sanitary authority, secretary to the grand jury, or other person as aforesaid, or any other owner, lessee, or occupier who would be affected by the intended work, objects to such work, and serves notice in writing of such objection on the sanitary authority at any time within the said three months the intended work shall not be commenced without the sanction of the Local Government Board after such inquiry as herein-after mentioned, unless such objection is withdrawn.
- 36.** The Local Government Board may, on application of the sanitary authority, appoint an inspector to make inquiry on the
- [275.]

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Contribution to works under agreement for supply or distribution of sewage. P. H. (E.), s. 30. S. U., 1867, s. 15.

Application of 27 & 28 Vict. c. 114. to works for supply of sewage. P. H. (E.), s. 31. S. U., 1865, s. 15.

Notice to be given before commencing sewage works without district. P. H. (E.), s. 32.

In case of objection, works not to be commenced without sanction of Local Government Board. P. H. (E.), s. 33. S. U., 1867, s. 3.

Inspector to hold inquiry and

A.D. 1877. spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed, and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing, with such modifications (if any) as they may deem necessary, the intended work. 5

report to
Local
Government
Board.
P. H. (E.),
s. 34.
S. U., 1867,
s. 3.

Regulation of Buildings.

Power to
purchase
premises for
improvement
of streets.
P. H. (E.),
s. 154.
T. I. A., s. 37.

37. Any urban authority may purchase any premises for the purpose of widening, opening, enlarging, or otherwise improving any street, or (with the sanction of the Local Government Board) for the purpose of making any new street. 10

Power to
regulate
line of
buildings.
P. H. (E.),
s. 155.
T. I. A.,
s. 38.

38. When any house or building situated in any street in an urban district, or the front thereof, has been taken down, in order to be rebuilt or altered, the urban authority may prescribe the line in which any house or building, or the front thereof, to be built or rebuilt in the same situation shall be erected, and such house or building, or the front thereof, shall be erected in accordance therewith. 15

The urban authority shall pay or tender compensation to the owner or other person immediately interested in such house or building for any loss or damage he may sustain in consequence of his house or building being set back or forward, the amount of such compensation, in case of dispute, to be settled by arbitration in manner provided by this Act. 20

Buildings
not to be
brought
forward.
P. H. (E.),
s. 156.

39. It shall not be lawful in any urban district, without the written consent of the urban authority, to bring forward any house or building forming part of any street, or any part thereof, beyond the front wall of the house or building on either side thereof, nor to build any addition thereto beyond the front of the house or building on either side of the same. 25

Any person offending against this enactment shall be liable to a penalty not exceeding *forty shillings* for every day during which the offence is continued after written notice in this behalf from the urban authority. 30

Power
to make
byelaws
respecting
new build-
ings, &c.
P. H. (E.),
s. 157.

40. Every sanitary authority may make byelaws with respect to the following matters; (that is to say,) 35

- (1.) With respect to the level, width, and construction of new streets, and the provisions for the sewerage thereof:
- (2.) With respect to the structure of walls, foundations, roofs, and chimneys of new buildings for securing stability and the prevention of fires, and for purposes of health: 40

(3.) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings: A.D. 1877. —

5 (4.) With respect to the drainage of buildings, to waterclosets, earthclosets, privies, ashpits, and cesspools in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation:

And they may further provide for the observance of such byelaws
10 by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the sanitary authority, and as to the power of such authority (subject to the provision of this Act) to remove, alter, or
15 pull down any work begun or done in contravention of such byelaws: Provided that no byelaw made under this section shall affect any building erected before the passing of this Act.

41. Where a notice, plan, or description of any work is required by any byelaw made by a sanitary authority to be laid before
20 that authority, the sanitary authority shall, within one month after the same has been delivered or sent to their clerk, signify in writing their approval or disapproval of the intended work to the person proposing to execute the same; and if the work is commenced after such notice of disapproval, or before the expiration
25 of such month without such approval, and is in any respect not in conformity with any byelaw of the sanitary authority, the sanitary authority may cause so much of the work as has been executed to be pulled down or removed.

Where a sanitary authority incur expenses in or about the
30 removal of any work executed contrary to any byelaw, such authority may recover in a summary manner the amount of such expenses either from the person executing the works removed or from the person causing the works to be executed, at their discretion.

35 Where a sanitary authority may under this section pull down or remove any work begun or executed in contravention of any byelaw, or where the beginning or the execution of the work is an offence in respect whereof the offender is liable in respect of any byelaw to a penalty, the existence of the work during its continuance
40 in such a form and state as to be in contravention of the byelaw shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of one year from the day when the offence was committed or the byelaw was broken.

A.D. 1877.

What to
be deemed
a new
building.
P. H. (E.),
s. 159.

42. For the purposes of this Act the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building.

PRIVIES, WATERCLOSETS, &c.

Penalty on
building
houses with-
out privy
accommo-
dation.

P. H. (E.),
s. 35.

L. G. A.,
s. 23.

S. A., 1868,
s. 4.

Power of
sanitary
authority
to enforce
provision of
privy accom-
modation for
houses.

P. H. (E.),
s. 36.

L. G. A.,
s. 23.

S. A., 1868,
s. 4.

43. It shall not be lawful newly to erect any house, or to rebuild any house pulled down to or below the ground floor, without sufficient watercloset, earthcloset, or privy accommodation, and an ashpit furnished with proper doors and coverings.

Any person who causes any house to be erected or rebuilt in contravention of this enactment shall be liable to a penalty not exceeding *twenty pounds*.

44. If a house within the district of a sanitary authority appears to such authority by the report of their sanitary officer to be without sufficient watercloset, earthcloset, or privy accommodation, and an ashpit furnished with proper doors and coverings, the sanitary authority shall, by written notice, require the owner or occupier of the house, within a reasonable time therein specified, to provide sufficient watercloset, earthcloset, or privy accommodation, and an ashpit furnished as aforesaid, or either of them, as the case may require.

If such notice is not complied with, the sanitary authority may, at the expiration of the time specified in the notice, do the work thereby required to be done, and may recover in a summary manner from the owner the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses: Provided that where a watercloset, earthcloset, or privy has been and is used in common by the inmates of two or more houses, or if in the opinion of the sanitary authority a watercloset, earthcloset, or privy may be so used, they need not require the same to be provided for each house.

As to earth-
closets.

P. H. (E.),
s. 37.

45. Any enactment in force within the district of any sanitary authority requiring the construction of a watercloset shall be deemed to be satisfied by the construction, with the approval of the sanitary authority, of an earthcloset.

L. G. A.,
s. 23.

S. A., 1868,
s. 7.

Any sanitary authority may, as respects any house in which any earthcloset is in use with their approval, dispense with the supply

of water required by any contract or enactment to be furnished to any watercloset in such house, on such terms as may be agreed on between such authority and the person providing or required to provide such supply of water. A.D. 1877.

5 Any sanitary authority may themselves undertake, or contract with any person to undertake, a supply of dry earth or other deodorising substance to any house within their district for the purpose of any earthcloset.

10 In this Act the term "earthcloset" includes any place for the reception and deodorization of fœcal matter constructed to the satisfaction of the sanitary authority.

46. When on the representation of the sanitary authority of any district it shall appear to the satisfaction of the Local Government Board that in such district, or in any part thereof to be defined by the Local Government Board, a system has been established and is effectually carried out by which house refuse and fœcal matter is removed at short and regular intervals, and in such a manner as not to be a nuisance or injurious to health, the Board may by order declare that the enactments with respect to waterclosets herein contained shall, so far as regards such district, or part of a district, be deemed to be satisfied; and such enactments shall, while such order shall remain in force, and to the extent and subject to any conditions herein prescribed, be deemed to be satisfied accordingly. Every such order may from time to time be varied or revoked by the Local Government Board.

Other means of removing house refuse.

47. Where it appears to any sanitary authority by the report of their sanitary officer that any house is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at one time in any manufacture, trade, or business, the sanitary authority may, if they think fit, by written notice, require the owner or occupier of such house, within the time therein specified, to construct a sufficient number of waterclosets, earthclosets, or privies, and ashpits, for the separate use of each sex.

Privy accommodation for factories. P. H. (E.), s. 38.

Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding *twenty pounds*, and to a further penalty not exceeding *forty shillings* for every day during which the default is continued.

48. Any urban authority may, if they think fit, provide and maintain, in proper and convenient situations, urinals, waterclosets, earthclosets, privies, and ashpits, and other similar conveniences for public accommodation.

Public necessities. P. H. (E.), s. 39. S. A., 1868, s. 4. L. G. A., s. 23.

A.D. 1877.

Drains,
privies, &c.
to be pro-
perly kept.
P. H. (E.),
s. 40.

Examination
of drains, &c.
on complaint
of nuisance.
P. H. (E.),
s. 41.
L. G. A.,
s. 23.
S. A., 1868,
s. 4.

49. Every sanitary authority shall provide that all drains, water-closets, earthclosets, privies, ashpits, and cesspools within their district be constructed and kept so as not to be a nuisance or injurious to health.

50. On the written application of any person to a sanitary authority, stating that any drain, watercloset, earthcloset, privy, ashpit, or cesspool on or belonging to any premises within their district is a nuisance or injurious to health (but not otherwise), it shall be lawful for any sanitary officer duly authorised in writing in that behalf by such sanitary authority, after twenty-four hours written notice to the occupier of such premises, or in case of emergency without notice, to enter such premises, with or without assistants, and cause the ground to be opened, and examine such drain, watercloset, earthcloset, privy, ashpit, or cesspool. If the drain, watercloset, earthcloset, privy, ashpit, or cesspool on examination is found to be in proper condition, he shall cause the ground to be closed, and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the sanitary authority. If the drain, watercloset, earthcloset, privy, ashpit, or cesspool on examination appear to be in bad condition, or to require alteration or amendment, the sanitary authority shall forthwith cause notice in writing to be given to the owner or occupier of the premises requiring him forthwith or within a reasonable time therein specified to do the necessary works; and if such notice is not complied with, the person to whom it is given shall be liable to a penalty not exceeding *ten shillings* for every day during which he continues to make default, and the sanitary authority may, if they think fit, execute such works, and may recover in a summary manner from the owner the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses, as well as the expenses incurred in the previous examination.

SCAVENGING AND CLEANSING.

Regulations as to Streets and Houses.

Sanitary
authority
to provide
for cleansing
of streets
and removal
of refuse.

51. Every sanitary authority may, and when required by order of the Local Government Board shall, themselves undertake or contract for—

The removal of house refuse from premises;

The cleansing of earthclosets, privies, ashpits, and cesspools;

either for the whole or any part of their district: Moreover, every urban authority and any rural authority invested by the Local Government Board with the requisite powers may, and when required by order of the said Board shall, themselves undertake or
 5 contract for the proper cleansing of streets, and may also themselves undertake or contract for the proper watering of streets for the whole or any part of their district.

A.D. 1877.
 P. H. (E.),
 s. 42.
 L. G. A.,
 s. 23.
 S. A., 1868,
 s. 5.

All matters collected by the sanitary authority or contractor in pursuance of this section may be sold or otherwise disposed of,
 10 and any profits thus made by an urban authority shall be carried to the account of the fund or rate applicable by them for the general purposes of this Act; and any profits thus made by a rural authority in respect of any contributory place shall be carried to the account of the fund or rate out of which expenses incurred
 15 under this section by that authority in such contributory place are defrayed.

If any person removes or obstructs the sanitary authority or contractor in removing any matters by this section authorised to be removed by the sanitary authority, he shall for each offence be
 20 liable to a penalty not exceeding *five pounds*: Provided that the occupier of a house within the district shall not be liable to such penalty in respect of any such matters which are produced on his own premises and are intended to be removed for sale or for his own use, and are in the meantime kept so as not to be a nuisance.

52. If a sanitary authority who have themselves undertaken or contracted for the removal of house refuse from premises, or the cleansing of earthclosets, privies, ashpits, and cesspools, fail, without reasonable excuse, after notice in writing from the occupier of any house within their district requiring them to remove any house
 30 refuse, or to cleanse any earthcloset, privy, ashpit, or cesspool belonging to such house or used by the occupiers thereof, to cause the same to be removed or cleansed, as the case may be, within seven days, the sanitary authority shall be liable to pay to the occupier of such house a penalty not exceeding *five shillings* for every day
 35 during which such default continues after the expiration of the said period.

Penalty on neglect of sanitary authority to remove refuse, &c.
 P. H. (E.),
 s. 43.
 P. H. (I.),
 s. 39.

53. Where the sanitary authority do not themselves undertake or contract for—

40 The cleansing of footways and pavements adjoining any premises,

The removal of house refuse from any premises,

[275.]

C 3

Power of sanitary authority to make bye-laws imposing duty of cleansing,

A.D. 1877.

&c. on
occupier.
P. H. (E.),
s. 44.
L. G. A.,
s. 23.
S. A., 1868,
s. 5.

The cleansing of earthclosets, privies, ashpits, and cesspools belonging to any premises,

they may make byelaws imposing the duty of such cleansing or removal, at such intervals as they think fit, on the occupier of any such premises. 5

An urban authority may also, and when required by order of the Local Government Board shall, make byelaws for the prevention of nuisances arising from snow, filth, dust, ashes, and rubbish, and for the regulation of the keeping of animals on any premises, or for the prevention of such keeping, so as to be injurious to health. 10

Power to
provide re-
ceptacles for
deposit of
rubbish.
P. H. (E.),
s. 45.
T. I. A.,
s. 42.

54. Any sanitary authority shall, if necessary, provide in proper and convenient situations receptacles for the temporary deposit and collection of dust, ashes, and rubbish; they shall also provide fit buildings or places for the deposit of any matters collected by them in pursuance of this part of this Act. 15

Houses to be
purified, on
certificate of
officer of
health, or of
two medical
practitioners.
P. H. (E.),
s. 46.
T. I. A.,
s. 42.

55. Where, on the certificate of the sanitary officer or of any two medical practitioners, it appears to any sanitary authority that any house or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any house or part thereof would tend to prevent or check infectious disease, the sanitary authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash, cleanse, or purify the same, as the case may require. 20

If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding *ten shillings* for every day during which he continues to make default; and the sanitary authority may, if they think fit, cause such house or part thereof to be whitewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default. 25 30

Penalty in
respect of
certain
nuisances on
premises.
P. H. (E.),
s. 47.
T. I. A.,
s. 42.

56. Any person who in any sanitary district—

- (1.) Keeps any swine or pig sty in any dwelling-house, or so as to be a nuisance to any person; or
- (2.) Suffers any waste or stagnant water to remain in any cellar or place within any dwelling-house for twenty-four hours after written notice to him from the sanitary authority to remove the same; or 35
- (3.) Allows the contents of any watercloset, privy, or cesspool to overflow or soak therefrom, 40

shall, for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding *five shillings*

for every day during which the offence is continued, and the sanitary authority shall abate or cause to be abated every such nuisance, and may recover in a summary manner the expenses incurred by them in so doing from the occupier of the premises on which the nuisance
5 exists.

A.D. 1877.

Offensive Ditches and Collections of Matter.

57. Where any watercourse or open ditch lying near to or forming the boundary between the district of any sanitary authority and any adjoining district is foul and offensive, so as injuriously to
10 affect the district of such sanitary authority, any justice having jurisdiction in such adjoining district may, on the application of such sanitary authority, summon the sanitary authority of such adjoining district to appear before a court of summary jurisdiction to show cause why an order should not be made by such court for
15 cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such court to be necessary; and such court, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons
20 by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such court may seem reasonable.

Provision for obtaining order for cleansing offensive ditches lying near to or forming the boundaries of districts. P. H. (E.), s. 48.

58. Where in any urban district it appears to the inspector of
25 nuisances or sanitary officer that any accumulation of manure, dung, soil, or filth, or other offensive or noxious matter, ought to be removed, he shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove the same; and if such notice is not complied with within twenty-four hours from the
30 service thereof, the manure, dung, soil, or filth, or matter referred to, shall be vested in and be sold or disposed of by the urban authority, and the proceeds thereof shall be applied in payment of the expenses incurred by them in the execution of this section; and the surplus (if any) shall be paid on demand to the owner of the matter
35 removed.

Removal of filth on certificate of inspector of nuisances or sanitary officer. P. H. (E.), s. 49. T. I. A., s. 42.

The expenses of removal by the urban authority of any such accumulation, if and so far as they are not covered by the sale thereof, may be recovered by the urban authority in a summary manner from the person to whom the accumulation belongs or from
40 the occupier of the premises, or (where there is no occupier) from the owner.

A.D. 1877.

Periodical
removal of
manure from
mews and
other
premises.
P. H. (E.),
s. 50.
S. A., 1866,
s. 53.

59. Notice may be given by any urban authority (by public announcement in the district or otherwise) for the periodical removal of manure or other refuse matter from mews, stables, or other premises; and where any such notice has been given, any person to whom the manure or other refuse matter belongs who fails so to 5 remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the urban authority direct, shall be liable without further notice to a penalty not exceeding *twenty shillings* for each day during which such manure or other refuse matter is permitted to accumulate. 10.

WATER SUPPLY.

Powers of Sanitary Authority in relation to Supply of Water.

General
powers for
supplying
district with
water.
P. H. (E.),
s. 51.
S. A., 1866,
s. 11.
T. I. A.,
s. 52.

60. Any urban authority may provide their district or any part thereof, and any rural authority may provide their district or any contributory place therein, or any part of any such contributory 15 place, with a supply of water proper and sufficient for public and private purposes, and for those purposes, or any of them, may—

- (1.) Construct and maintain waterworks, dig wells, and do any other necessary acts; and
- (2.) Take on lease or hire any waterworks, and (with the sanction 20 of the Local Government Board) purchase any waterworks, or any water or right to take or convey water, either within or without their district, and any rights, powers, and privileges of any water company; and
- (3.) Contract with any person for a supply of water. 25

Restriction
on construc-
tion of
waterworks
by sanitary
authority.
P. H. (E.),
s. 52.
S. A., 1866,
s. 11.
T. I. A.,
s. 52.

61. Before commencing to construct waterworks within the limits of supply of any water company empowered by Act of Parliament or any order confirmed by Parliament to supply water, the sanitary authority shall give written notice to every water com- 30 pany within whose limits of supply the sanitary authority are desirous of supplying water, stating the purposes for which and (as far as may be practicable) the extent to which water is required by the sanitary authority.

It shall not be lawful for the sanitary authority to construct any waterworks within such limits if and so long as any such company 35 are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the sanitary authority; and any difference as to whether the water which any such company are able and willing to lay on is proper and sufficient for the purposes for which it is required, or whether the purposes for which 40

it is required are reasonable, or (if and so far as the charges of the company are not regulated by Parliament) as to the terms of supply, shall be settled by arbitration in manner provided by this Act. A.D. 1877.

- 5 **62.** At least two months before commencing to construct under the provisions of this Act any reservoir (other than a service reservoir or tank which will hold not more than one hundred thousand gallons) the sanitary authority shall give notice of the intended work by advertisement in one or more of the local newspapers circulating
10 within the district where the reservoir is to be constructed.

As to construction of reservoirs. P. H. (E.), s. 53.

- If any person who would be affected by the intended work objects to such work, and serves notice in writing of such objection on the sanitary authority at any time within the said two months, the intended work shall not be commenced without the sanction of
15 the Local Government Board, after such inquiry as herein-after mentioned, unless such objection is withdrawn.

- The Local Government Board may, on application of the sanitary authority, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and
20 to report to the Local Government Board on the matters with respect to which such inquiry was directed; and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing, with such modifications (if any) as they may deem necessary, the intended work.

- 25 **63.** Where a sanitary authority supply water within their district, they shall have the same powers and be subject to the same restrictions for carrying water mains within or without their district as they have and are subject to for carrying sewers within or without their district respectively by the law for the time being
30 in force.

Power of carrying mains. P. H. (E.), s. 54. S. A., 1866, s. 11.

- 64.** A sanitary authority shall provide and keep in any water-works constructed or purchased by them a supply of pure and wholesome water; and where a sanitary authority lay any pipes for the supply of any of the inhabitants of their district, the water may
35 be constantly laid on at such pressure as will carry the same to the top story of the highest dwelling-house within the district or part of the district supplied.

As to supply of water. P. H. (E.), s. 55. S. A., 1866, s. 11. T. I. A., s. 52.

- 65.** Where a sanitary authority supply water to any premises they may charge in respect of such supply a water rate to be
40 assessed on the net annual value of the premises to be made, assessed, and levied in like manner in every respect as the rate out of which the expenses incurred by such sanitary authority in the execution of

Power to charge water rates and rents. P. H. (E.), s. 56.

A.D. 1877. this Act are defrayed ; moreover they may enter into agreements for supplying water on such terms as may be agreed on between them and the persons receiving the supply, and may recover water rents or other moneys payable under such agreements in a summary manner.

Incorporation of certain provisions of Waterworks Clauses Acts. P. H. (E.), s. 57.

66. For the purpose of enabling any sanitary authority to supply water there shall be incorporated with this Act the Waterworks Clauses Act, 1863, and the following provisions of the Waterworks Clauses Act, 1847 ; (namely,)

- “ With respect ” (where the sanitary authority have not the control of the streets) “ to the breaking up of streets for the purpose of laying pipes ” ; and
- “ With respect to the communication pipes to be laid by the undertakers ” ; and
- “ With respect to the communication pipes to be laid by the inhabitants ” ; and
- “ With respect to waste or misuse of the water supplied by the undertakers ” ; and
- “ With respect to the provision for guarding against fouling the water of the undertakers ” ; and
- “ With respect to the payment and recovery of the water rates.”

Provided,—

That the provisions with respect to the communication pipes to be laid by the undertakers and the inhabitants respectively shall apply only in districts or parts of districts where the sanitary authority lay any pipes for the supply of any of the inhabitants thereof ; and

That any dispute authorised or directed by any of the said incorporated provisions to be settled by an inspector or two justices shall be settled by a court of summary jurisdiction ; and

That section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words “ with the consent in writing of the owner or reputed owner “ of any such house, or of the agent of such owner,” were omitted therefrom ; and any rent for pipes and works paid by an occupier under that section may be deducted by him from any rent from time to time due from him to such owner.

Power to supply water by measure. P. H. (E.), s. 58.

67. A sanitary authority may agree with any person to supply water by measure, and as to the payment to be made in the form of rent or otherwise for every meter provided by them ; they shall at all times at their own expense keep all meters and other instru-

ments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water, and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The sanitary authority shall for the purposes aforesaid have access to and be at liberty at all reasonable times to remove, test, inspect, and replace any such meter or other instrument.

A.D. 1877.

68. Where water is supplied by measure by any sanitary authority, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed; and if the sanitary authority and the consumer differ with respect to the quantity consumed, the difference shall be determined, on the application of either party, by a court of summary jurisdiction, and such court may order by which of the parties the costs of the proceedings before them shall be paid, and its decision shall be final and binding.

Register of meter to be evidence.
P. H. (E.),
s. 59.

69. If any person wilfully or by culpable negligence injures or suffers to be injured any meter or fittings belonging to a sanitary authority, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts or uses water of the sanitary authority, he shall (without prejudice to any other right or remedy of the sanitary authority) be liable to a penalty not exceeding *forty shillings*, and the sanitary authority may in addition thereto recover the amount of any damage sustained. The existence of artificial means, under the control of the consumer, for causing any such alteration, prevention, abstraction, or use shall be evidence that the consumer has fraudulently effected the same.

Penalty for injuring meters.
P. H. (E.),
s. 60.

70. Any sanitary authority for the time being supplying water within their own district may, with the sanction of the Local Government Board, supply water to the sanitary authority of any adjoining district on such terms as may be agreed on between such authorities, or as, in case of dispute, may be settled by arbitration in manner provided by this Act.

Power to supply water to authority of adjoining district.
P. H. (E.),
s. 61.

71. Where on the report of the sanitary officer of a sanitary authority it appears to such authority that any house within their district is without a proper supply of water, and that such a supply of water can be furnished thereto at such cost as the Local Government Board may, on the application of the sanitary authority, determine under all the circumstances of the case to be reasonable, the sanitary authority shall give notice in writing to

Sanitary authority may require houses to be supplied with water in certain cases.
P. H. (E.),
s. 62.
S. A., 1866,
ss. 11 & 50.

A.D. 1877. the owner, requiring him, within a time therein specified, to obtain such supply, and to do all such works as may be necessary for that purpose.

If such notice is not complied with within the time specified, the sanitary authority may, if they think fit, do such works and obtain such supply, and for that purpose may enter into any contract with any water company supplying water within their district; and water rates may be made and levied on the premises by the authority or company which furnishes the supply, and may be recovered as if the owner or occupier of the premises had demanded a supply of water and were willing to pay water rates for the same, and any expenses incurred by the sanitary authority in doing any such works may be recovered in a summary manner from the owner of the premises, or may by order of the sanitary authority be declared to be private improvement expenses.

Powers of water company for supplying water to sanitary authority. P. H. (E.), s. 63. S. A., 1866, s. 11.

72. Any water company may contract to supply water or may lease their waterworks to any sanitary authority; and the directors of any water company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company of a resolution passed by three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to any sanitary authority, on such terms as may be agreed on between the company and the sanitary authority, all the rights, powers, and privileges, and all or any of the waterworks, premises, and other property of the company, but subject to all liabilities to which the same are subject at the time of such purchase.

Vesting of public cisterns, &c. in sanitary authority. P. H. (E.), s. 64. N. R., 1860, s. 7. S. A., 1866, s. 13.

73. All existing public cisterns, pumps, wells, reservoirs, conduits, aqueducts, and works used for the gratuitous supply of water to the inhabitants of the district of any sanitary authority shall vest in and be under the control of such authority, and such authority may cause the same to be maintained and plentifully supplied with pure and wholesome water, or may substitute, maintain, and plentifully supply with pure and wholesome water other such works equally convenient; they may also (subject to the provisions of this Act) construct any other such works for supplying water for the gratuitous use of any inhabitants who choose to carry the same away, not for sale, but for their own private use.

Water for public baths, or trading or

74. Any sanitary authority may, if they think fit, supply water from any waterworks purchased or constructed by them to any

public baths or wash-houses, or for trading or manufacturing purposes, on such terms and conditions as may be agreed on between the sanitary authority and the persons desirous of being so supplied; moreover, any sanitary authority may, if they think fit, 5 construct any works for the gratuitous supply of any public baths or wash-houses established otherwise than for private profit or supported out of any poor or borough rates.

A.D. 1877.
manufac-
turing pur-
poses.
P. H. (E.),
s. 65.
S. A., 1866,
s. 11.

75. In every urban sanitary district, or part of such district, in which and so far as no water company shall be by law liable 10 to the obligation of doing the several matters and things mentioned in this section, the urban authority shall cause fire-plugs and all necessary works, machinery, and assistance for securing an efficient supply of water in case of fire to be provided and main- 15 any water company or person; and they shall paint or mark on the buildings and walls within the streets words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may deem expedient.

Duty of
urban autho-
rity to pro-
vide fire-
plugs.
P. H. (E.),
s. 66.
T. I. A.,
s. 52.

Provisions for Protection of Water.

20 76. Any person engaged in the manufacture of gas who—

- (1.) Causes or suffers to be brought or to flow into any stream, reservoir, aqueduct, pond, or place for water, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or,
- 25 (2.) Wilfully does any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, pond, or place for water is fouled,

Penalty
for causing
water to be
corrupted by
gas wash-
ings.
P. H. (E.),
s. 68.
T. I. A.,
s. 54.
N. R., 1855,
ss. 23, 24,
and 25.
S. A., 1866,
s. 11.

shall forfeit for every such offence the sum of *two hundred pounds*, and, after the expiration of twenty-four hours notice from the 30 sanitary authority or the person to whom the water belongs in that behalf, a further sum of *twenty pounds* for every day during which the offence is continued or during the continuance of the act whereby the water is fouled.

Every such penalty may be recovered, with full costs of suit, in 35 any of the superior courts, in the case of water belonging to or under the control of the sanitary authority by the sanitary authority, and in any other case by the person into whose water such washing or other substance is conveyed or flows or whose water is fouled by any such act as aforesaid, or in default of pro- 40 ceedings by such person, after notice to him from the sanitary authority of their intention to proceed for such penalty, by the sanitary authority; but such penalty shall not be recoverable

A.D. 1877. unless it be sued for during the continuance of the offence, or within six months after it has ceased.

Sanitary authority may take proceedings to prevent pollution of streams.

P. H. (E.), s. 69.
S. U., 1865, s. 10.

77. Any sanitary authority, with the sanction of the Attorney General, may, either in their own name or in the name of any other person, with the consent of such person, take such proceedings by indictment, bill in Chancery, action, or otherwise, as they may deem advisable for the purpose of protecting any watercourse wholly or partially within their jurisdiction from pollutions arising from sewage either within or without their district; and the costs of and incidental to any such proceedings, including any costs that may be awarded to the defendant, shall be deemed to be expenses properly incurred by such authority in the execution of this Act.

Power to close polluted wells, &c.

P. H. (E.), s. 70.
P. H. (I.), s. 53.

78. On the representation of any person to any sanitary authority that within their district the water in any well, tank, or cistern, public or private, or supplied from any public pump, and used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, is so polluted as to be injurious to health, such authority may apply to a court of summary jurisdiction for an order to remedy the same; and thereupon such court shall summon the owner or occupier of the premises to which the well, tank, or cistern belongs if it be private, and in the case of a public well, tank, cistern, or pump, any person alleged in the application to be interested in the same, and may either dismiss the application, or may make an order directing the well, tank, cistern, or pump to be permanently or temporarily closed, or the water to be used for certain purposes only, or such other order as may appear to them to be requisite to prevent injury to the health of persons drinking the water.

The court may, if they see fit, cause the water complained of to be analysed at the cost of the sanitary authority applying to them under this section.

If the person on whom an order under this section is made fails to comply with the same, the court may on the application of the sanitary authority authorise them to do whatever may be necessary in the execution of the order, and any expenses incurred by them may be recovered in a summary manner from the person on whom the order is made.

Expenses incurred by any rural authority in the execution of this section, and not recovered by them as aforesaid, shall be special expenses.

40

Gas Supply, &c.

Powers of urban authority for lighting their district.

79. Any urban authority may contract with any person for the supply of gas, or other means of lighting the streets, markets, and public buildings in their district, and may provide such lamps, lamp

posts, and other materials and apparatus as they may think necessary for lighting the same. A.D. 1877.

Where there is not any company or person (other than the urban authority) authorised by or in pursuance of any Act of Parliament or any order confirmed by Parliament to supply gas for public and private purposes supplying gas within any part of the district of such authority, such authority may themselves undertake to supply gas for such purposes, or any of them, throughout the whole or any part of their district; and if there is any such company or person so supplying gas, but the limits of supply of such company or person include part only of the district, then the urban authority may themselves undertake to supply gas throughout any part of the district not included within such limits of supply. T. I. A., s. 51. P. H. (E.) s. 161.

Where an urban authority may under this Act themselves undertake to supply gas for the whole or any part of their district, a provisional order authorising a gas undertaking may be obtained by such authority under and subject to the provisions of the Gas and Water Works Facilities Act, 1870, and any Act amending the same; and in the construction of the said Act the term "the undertakers" shall be deemed to include any such urban authority: Provided that for the purposes of this Act the Local Government Board shall throughout the said Act be deemed to be substituted for the Board of Trade.

80. For the purpose of supplying gas within their district or any part thereof, either for public or private purposes, any urban authority may (with the sanction of the Local Government Board) buy, and the directors of any gas company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to such authority, on such terms as may be agreed on between such authority and the company, all the rights, powers, and privileges and all or any of the lands, premises, works, and other property of the company, but subject to all liabilities attached to the same at the time of such purchase. Power for sale of undertaking of gas company to urban authority. P. H. (E.), s. 162.

REGULATION OF CELLAR DWELLINGS AND LODGING-HOUSES.

40 Occupation of Cellar Dwellings.

81. It shall not be lawful to let or occupy, or suffer to be occupied separately as a dwelling, any cellar (including for the purposes [275.] D 4 Prohibition of occupying cellar dwellings. P. H. (E.), s. 71. S. A., 1866, s. 42.

A.D. 1877. of this Act in that expression any vault or underground room) built or rebuilt after the passing of this Act, or which is not lawfully so let or occupied at the time of the passing of this Act.

Existing
cellar dwell-
ings only to
be let or
occupied on
certain con-
ditions.

P. H. (E.),
s. 72.
S. A., 1866,
s. 42.

82. It shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling, any cellar whatsoever, unless the following requisitions are complied with; (that is to say,) 5

Unless the cellar is in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, and is at least three feet of its height from the surface of the street or ground adjoining or nearest the same; and 10

Unless there is outside of and adjoining the cellar and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open area of at least two feet and six inches wide in every part; and 15

Unless the cellar is effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor thereof; and

Unless there is appurtenant to the cellar the use of a watercloset, earthcloset, or privy, and an ashpit furnished with proper doors 20 and coverings, according to the provisions of this Act; and

Unless the cellar has a fireplace with a proper chimney or flue, and an external window or windows of such an area as shall be deemed sufficient by the sanitary authority, and made to open in a manner approved by the sanitary authority (except in the case of an inner or back cellar let or occupied along with a front cellar as part of the same letting or occupation, in which case the external window may be of any dimensions not being less than four superficial feet in area clear of the sash frame). 25

Provided that in any area adjoining a cellar there may be steps 30 necessary for access to such cellar, if the same be so placed as not to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such cellar a clear space of six inches at the least, and that over or across any such area there may be steps necessary for access to any building 35 above the cellar to which such area adjoins, if the same be so placed as not to be over, across, or opposite to any such external window.

Penalty on
persons
offending
against
enactment
P. H. (E.),
s. 73.
S. A., 1866,
s. 42.

83. Any person who lets, occupies, or knowingly suffers to be occupied for hire or rent, any cellar contrary to the provisions of 40 this Act shall be liable for every such offence to a penalty not exceeding *twenty shillings* for every day during which the same

continues to be so let or occupied after notice in writing from the sanitary authority in this behalf.

A.D. 1877:

Definition of occupying as a dwelling.

P. H. (E.), s. 74.

S. A., 1866, s. 42.

Power to close cellars in case of two convictions.

P. H. (E.), s. 75.

S. A., 1866, s. 42.

84. Any cellar in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act.

85. Where two convictions against the provisions of any Act relating to the occupation of a cellar as a separate dwelling place have taken place with respect to the same cellar within three months (whether the persons so convicted were or were not the same) a court of summary jurisdiction may direct the closing of the premises so occupied for such time as it may deem necessary, or may empower the sanitary authority permanently to close the same, and to defray any expenses incurred by them in the execution of this section.

15 *Common Lodging-houses.*

86. Every sanitary authority shall keep a register in which shall be entered the names and residences of the keepers of all common lodging-houses within the district of such authority, and the situation of every such house, and the number of lodgers authorised under this Act by such authority to be received therein. And such register shall at all reasonable times be open to the inspection of any ratepayer of such district.

Registers of common lodging-houses to be kept.

P. H. (E.), s. 76.

C. L., 1851, s. 7.

C. L., 1853, s. 5.

A copy of any entry in such register, certified by the executive sanitary officer of such sanitary authority to be a true copy, shall be received in all courts and on all occasions as evidence, and shall be sufficient proof of the matter registered, without production of the register or of any document or thing on which the entry is founded; and a certified copy of any such entry shall be supplied gratis by such executive officer to any person applying at a reasonable time for the same.

All common lodging-houses to be registered, and to be kept only by registered keepers.

P. H. (E.), s. 77.

C. L., 1851, s. 8.

C. L., 1853, s. 3.

87. A person shall not keep a common lodging-house or receive a lodger therein unless the house is registered in accordance with the provisions of this Act; nor unless his name as the keeper thereof is entered in the register kept under this Act: Provided that when the person so registered dies, his widow or any member of his family may keep the house as a common lodging-house for not more than four weeks after his death without being registered as the keeper thereof.

Sanitary authority may refuse to register houses.

P. H. (E.), s. 78.

C. L., 1853, ss. 3 and 4.

88. A house shall not be registered as a common lodging-house until it has been inspected and approved for the purpose by some officer of the sanitary authority; and the sanitary authority may refuse to register as the keeper of a common lodging-house a person who does not produce to the sanitary authority a certificate of

A.D. 1877. character, in such form as the sanitary authority direct, signed by three inhabitant householders of the union respectively rated to the relief of the poor of the union within which the lodging-house is situate for property of the yearly rateable value of six pounds or upwards. 5

Notice of registration to be affixed to houses.

P. H. (E.), s. 79.

P. H. (I.), s. 52.

89. The keeper of every common lodging-house shall affix and keep undefaced and legible a notice with the words "Registered Lodging-house" in some conspicuous place on the outside of such house.

The keeper of any such house who, after requisition in writing 10 from the sanitary authority, refuses or neglects to affix or renew such notice, shall be liable to a penalty not exceeding *five pounds*, and to a further penalty of *ten shillings* for every day that such refusal or neglect continues after conviction.

Byelaws to be made by sanitary authority. P. H. (E.), s. 80. C. L., 1851, s. 9.

90. Every sanitary authority shall from time to time make 15 byelaws—

- (1.) For fixing and from time to time varying the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein; and,
- (2.) For promoting cleanliness and ventilation in such houses; and, 20
- (3.) For the giving of notices and the taking precautions in the case of any infectious disease; and,
- (4.) Generally for the well ordering of such houses.

Power to sanitary authority to require supply of water to houses. P. H. (E.), s. 81. C. L., 1853, s. 6.

91. Where it appears to any sanitary authority that a common lodging-house is without a proper supply of water for the use of 25 the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the sanitary authority may by notice in writing require the owner or keeper of such house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose; and if the notice be not complied with accordingly, 30 the sanitary authority may remove such house from the register until it is complied with.

Limewashing of houses. P. H. (E.), s. 82. C. L., 1851, s. 13.

92. The keeper of a common lodging-house shall, to the satisfaction of the sanitary authority, limewash the walls and ceilings thereof in the first week of each of the months of April and October 35 in every year, and shall if he fails to do so be liable to a penalty not exceeding *forty shillings*, and in the event of such failure the work may be executed by the sanitary authority, and the cost recovered in a summary manner.

Power to order reports from keepers

93. The keeper of a common lodging-house in which beggars or 40 vagrants are received to lodge shall from time to time, if required

in writing by the sanitary authority so to do, report to the sanitary authority, or to such person as the sanitary authority direct, every person who resorted to such house during the preceding day or night, and for that purpose schedules shall be furnished by the
 5 sanitary authority to the person so ordered to report, which schedules he shall fill up with the information required and transmit to the sanitary authority.

A.D. 1877.
 of houses receiving vagrants.
 P. H. (E.), s. 83.
 C. L., 1853, s. 8.

94. The keeper of a common lodging-house shall, when a person in such house is ill of fever or any infectious disease, give immediate
 10 notice thereof to the sanitary officer of the sanitary authority, and also to the poor law relieving officer of the union in which the common lodging-house is situated.

Keepers to give notice of fever, &c. therein.
 P. H. (E.), s. 84.
 C. L., 1851, s. 11.

95. The keeper of a common lodging-house, and every other person having or acting in the care or management thereof, shall,
 15 at all times when required by any officer of the sanitary authority, give him free access to such house or any part thereof; and any such keeper or person who refuses such access shall be liable to a penalty not exceeding *five pounds*.

As to inspection.
 P. H. (E.), s. 85.
 C. L., 1851, s. 12.

96. Any keeper of a common lodging-house who—
 20 (1.) Receives any lodger in such house without the same being registered under this Act; or,
 (2.) Fails to make a report after he has been furnished by the sanitary authority with schedules for the purpose in pursuance of this Act, of the persons resorting to such house; or,
 25 (3.) Fails to give the notices required by this Act where any person has been confined to his bed in such house by fever or other infectious disease,

Offences by keepers of houses.
 P. H. (E.), s. 86.
 C. L., 1851, s. 14.
 C. L., 1853, s. 11.

shall be liable to a penalty not exceeding *five pounds*, and in the case of a continuing offence to a further penalty not exceeding *forty*
 30 *shillings* for every day during which the offence continues.

97. In any proceedings under the provisions of this Act relating to common lodging-houses, if the inmates of any house or part of a house allege that they are members of the same family, the burden of proving such allegation shall lie on the persons making it.

Evidence as to family in proceedings.
 P. H. (E.), s. 87.
 S. A., 1866, s. 41.

35 98. Where the keeper of a common lodging-house is convicted of a third offence against any of the provisions of this Act relating to common lodging-houses, the court before whom the conviction for such third offence takes place may, if it thinks fit, adjudge that he shall not at any time within *five years* after the conviction, or

Conviction for third offence to disqualify persons from keeping common lodging-house.

- A.D. 1877. within such shorter period after the conviction as the court thinks fit, keep a common lodging-house without the previous license in writing of the sanitary authority, which license the sanitary authority may withhold or grant on such terms and conditions as they think fit.
- P. H. (E.), s. 88.
C. L., 1853, s. 12.

Byelaws as to Houses let in Lodgings.

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Local Government Board may empower sanitary authority to make bye-laws as to lodging-houses.

P. H. (E.), s. 90.
P. H. (I.), s. 51.

99. The Local Government Board may, if they think fit, by notice published in the Dublin Gazette, and in some newspaper or newspapers circulating in the district, declare the following enactment to be in force within the district or any part of the district of any sanitary authority, and from and after the publication of such notice such authority shall be empowered to make byelaws for the following matters; (that is to say,) 10

- (1.) For fixing and from time to time varying the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house so let or occupied : 15
- (2.) For the registration of houses so let or occupied :
- (3.) For the inspection of such houses :
- (4.) For enforcing drainage and the provision of privy accommodation for such houses, and for promoting cleanliness and ventilation in such houses : 20
- (5.) For the cleansing and lime-washing at stated times of the premises, and for the paving of the courts and courtyards thereof : 25
- (6.) For the giving of notices and the taking of precautions in case of any infectious disease.

Saving for common lodging-houses.

100. The provisions of the last preceding section shall not apply to common lodging-houses within the provisions of this Act relating to common lodging-houses. 30

Clocks.

Urban authority may provide public clocks.
P. H. (E.), s. 165.
T. I. A., s. 55.

101. Any urban authority may from time to time provide such clocks as they consider necessary, and cause them to be fixed on or against any public building, or, with the consent of the owner or occupier, on or against any private building the situation of which may be convenient for that purpose, and may cause the dials thereof to be lighted at night, and may from time to time alter and remove any such clocks to such other like situation as they may consider expedient. 35

MARKETS AND SLAUGHTER-HOUSES.

A.D. 1877.

102. Any urban authority shall have power, with the consent of two thirds of their number, to do the following things, or any of them, within their district :

Urban authority may provide markets.
P. H. (E.), ss. 166 and 167.
L. G. A., s. 10.

- 5 To provide a market place and construct a market house and other conveniences for the purpose of holding markets :
To provide houses and places for weighing carts :
To make convenient approaches to such market :
To provide all such matters and things as may be necessary for
10 the convenient use of such market :
To purchase or take on lease or otherwise land or the right to use land, and public or private rights in markets and tolls for any of the foregoing purposes :
To take stallages, rents, and tolls in respect of the use by any
15 person of such market :

but no market shall be established in pursuance of this section so as to interfere with any rights, powers, or privileges enjoyed within the district by any person without his consent.

- For the purpose of enabling any urban authority to establish
20 or to regulate markets, there shall be incorporated with this Act the provisions of the Markets and Fairs Clauses Act, 1847, in so far as the same relate to markets ; that is to say,

With respect to the holding of the market or fair, and the protection thereof ; and

- 25 With respect to the weighing goods and carts ; and
With respect to the stallages, rents, and tolls :

Provided that all tolls leviable by an urban authority in pursuance of this section shall be approved by the Local Government Board.

- An urban authority may with respect to any market belonging to
30 them make byelaws for any of the purposes mentioned in section forty-two of the Markets and Fairs Clauses Act, 1847, so far as those purposes relate to markets, and printed copies of any byelaw so made shall be conspicuously exhibited in the market.

- 103.** Any urban authority may purchase, and the directors of any
35 market company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of
40

Power for sale of undertaking of market company to urban authority.
P. H. (E.), s. 168.

A.D. 1877. — the business to be transacted, may sell and transfer to any urban authority, on such terms as may be agreed on between the company and the urban authority, all the rights, powers, and privileges, and all or any of the markets, premises, and things which at the time of such purchase are the property of the company, but subject to 5 all liabilities attached to the same at the time of such purchase.

Power to provide slaughter-houses.
P. H. (E.),
s. 169.
T. I. A.,
s. 47.

104. Any urban authority may, if they think fit, provide slaughter-houses, and they shall make byelaws with respect to the management and charges for the use of any slaughter-houses so provided. 10

For the purpose of enabling any urban authority to regulate slaughter-houses within their district the provisions of the Towns Improvement Clauses Act, 1847, with respect to slaughter-houses shall be incorporated with this Act.

Nothing in this section shall prejudice or affect any rights, powers, 15 or privileges of any persons incorporated by any local Act in force at the time of the passing of this Act, for the purpose of making and maintaining slaughter-houses.

Notice to be affixed on slaughter-houses.
P. H. (E.),
s. 170.
P. H. (I.),
s. 52.

105. The owner or occupier of any slaughter-house licensed or registered under this Act shall, within one month after the licensing 20 or registration of the premises, affix, and shall keep undefaced and legible on some conspicuous place on the premises, a notice with the words "Licensed slaughter-house," or "Registered slaughter-house," as the case may be.

Any person who makes default in this respect, or who neglects or 25 refuses to affix or renew such notice after requisition in writing from the urban authority, shall be liable to a penalty not exceeding *five pounds* for every such offence, and of *ten shillings* for every day during which such offence continues after conviction.

NUISANCES.

30

Definition of nuisances.
P. H. (E.)
s. 91.
N. R., 1855,
s. 8.
S. A., 1866,
s. 19.

106. For the purposes of this Act,—

1. Any premises in such a state as to be a nuisance or injurious to health :
2. Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit so foul or in such a state as to be a nuisance 35 or injurious to health :
3. Any animal so kept as to be a nuisance or injurious to health :
4. Any accumulation or deposit which is a nuisance or injurious to health : 40

A.D. 1877.

5. Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family :

5 6. Any factory, workshop, or workplace (not already under the operation of any general Act for the regulation of factories or bakehouses), not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that
10 are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein :

15 7. Any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever; and

20 Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance,

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act: Provided—

25 First, that a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on any business or manufacture if it be proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means
30 have been taken for preventing injury thereby to the public health :

Secondly, that where a person is summoned before any court in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used
35 in such fireplace or furnace, the court shall hold that no nuisance is created within the meaning of this Act, and dismiss the complaint, if it is satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all
40 smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

A.D. 1877.

Duty of
sanitary
authority
to inspect
district for
detection of
nuisances.
P. H. (E.),
s. 92.

S. A., 1866,
s. 20.

Information
of nuisances
to sanitary
authority.

P. H. (E.),
s. 93.

N. R., 1855,
s. 10.

Sanitary
authority
to serve
notice
requiring
abatement
of nuisance.

P. H. (E.),
s. 94.

S. A., 1866,
s. 21.

On non-
compliance
with notice
complaint
to be made
to justice.

P. H. (E.),
s. 95.

N. R., 1855,
s. 12.

Power of
court of
summary
jurisdiction

107. It shall be the duty of every sanitary authority to cause to be made from time to time inspection of their district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act in order to abate the same; also to enforce the provisions of any Act in force within their district requiring fireplaces and furnaces to consume their own smoke. 5

108. Information of any nuisance under this Act in the district of any sanitary authority may be given to such sanitary authority by any person aggrieved thereby, or by any two inhabitant householders of such district, or by any officer of such authority, or by the relieving officer, or by any constable or officer of the police force of such district. 10

109. On the receipt of any information respecting the existence of a nuisance the sanitary authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default, or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose: Provided— 15 20

First. That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner: 25

Secondly. That where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default, or sufferance of the owner or occupier of the premises, the sanitary authority may themselves abate the same without further order. 30

110. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the notice is, in the opinion of the sanitary authority, likely to recur on the same premises, the sanitary authority shall cause a complaint relating to such nuisance to be made before a justice, and such justice shall thereupon issue a summons requiring the person on whom the notice was served to appear before a court of summary jurisdiction. 35

111. If the court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the court shall make an order on such person requiring him to comply 40

with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order, and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence; or an order both requiring abatement and prohibiting the recurrence of the nuisance.

A.D. 1877.
to make
order deal-
ing with
nuisance.
P. H. (E.),
s. 96.
N. R., 1855,
s. 13.

The court may by their order impose a penalty not exceeding *five pounds* on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for abatement or prohibition of the nuisance.

112. Where the nuisance proved to exist is such as to render a house or building, in the judgment of the court, unfit for human habitation, the court may prohibit the using thereof for that purpose until, in its judgment, the house or building is rendered fit for that purpose; and on the court being satisfied that it has been rendered fit for that purpose the court may determine its previous order by another, declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited.

Order of
prohibition
in case of
house unfit
for human
habitation.
P. H. (E.),
s. 97.
N. R., 1855,
s. 13.

113. Any person not obeying an order to comply with the requisitions of the sanitary authority or otherwise to abate the nuisance, shall, if he fails to satisfy the court that he has used all due diligence to carry out such order, be liable to a penalty not exceeding *ten shillings* per day during his default; and any person knowingly and wilfully acting contrary to an order of prohibition shall be liable to a penalty not exceeding *twenty shillings* per day during such contrary action; moreover, the sanitary authority may enter the premises to which any order relates, and abate the nuisance, and do whatever may be necessary in execution of such order, and recover in a summary manner the expenses incurred by them from the person on whom the order is made.

Penalty for
contraven-
tion of order
of court.
P. H. (E.)
s. 98.
N. R., 1855,
s. 14.

114. Where any person appeals against an order to the court of quarter sessions in manner provided by this Act, no liability to penalty shall arise, nor shall any proceedings be taken or work be done under such order, until after the determination of such appeal, unless such appeal ceases to be prosecuted.

Appeal
against
order.
P. H. (E.),
s. 99.
N. R., 1855,
ss. 15 and 16.

115. Whenever it appears to the satisfaction of the court of summary jurisdiction that the person by whose act or default the nuisance arises, or the owner or occupier of the premises is not known or cannot be found, then the order of the court may be addressed to and executed by the sanitary authority.

In certain
cases order
may be ad-
dressed to
sanitary
authority.
P. H. (E.),
s. 100.
N. R., 1855,
s. 17.

A.D. 1877.

Power to
sell manure,
&c.
P. H. (E.),
s. 101.
N. R., 1855,
s. 18.

116. Any matter or thing removed by the sanitary authority in abating any nuisance under this Act may be sold by public auction; and the money arising from the sale may be retained by the sanitary authority, and applied in payment of the expenses incurred by them with reference to such nuisance, and the surplus (if any) shall 5 be paid, on demand, to the owner of such matter or thing.

Power of
entry of
sanitary
authority.
P. H. (E.),
s. 102.
N. R., 1855,
s. 11.
S. A., 1866,
s. 20.

117. The sanitary authority, or any of their officers, shall be admitted into any premises for the purpose of examining as to the existence of any nuisance thereon, or of enforcing the provisions of any Act in force within the district requiring fireplaces and furnaces 10 to consume their own smoke, at any time between the hours of nine in the forenoon and six in the afternoon, or in the case of a nuisance arising in respect of any business, then at any hour when such business is in progress or is usually carried on.

Where under this Act a nuisance has been ascertained to exist, or 15 an order of abatement or prohibition has been made, the sanitary authority, or any of their officers, shall be admitted from time to time into the premises between the hours aforesaid, until the nuisance is abated, or the works ordered to be done are completed, as the case may be. 20

Where an order of abatement or prohibition has not been complied with, or has been infringed, the sanitary authority, or any of their officers, shall be admitted from time to time at all reasonable hours, or at all hours during which business is in progress or is usually carried on, into the premises where the nuisance exists, in order to 25 abate the same.

If admission to premises for any of the purposes of this section is refused, any justice, on complaint thereof on oath by any officer of the sanitary authority (made after reasonable notice in writing of the intention to make the same has been given to the person having 30 custody of the premises), may, by order under his hand, require the person having custody of the premises to admit the sanitary authority, or their officer, into the premises during the hours aforesaid, and if no person having custody of the premises can be found, the justice shall, on oath made before him of that fact, by order under his hand, 35 authorise the sanitary authority, or any of their officers, to enter such premises during the hours aforesaid.

Any order made by a justice for admission of the sanitary authority, or any of their officers, on premises shall continue in force until the nuisance has been abated, or the work for which the entry was 40 necessary has been done.

118. Any person who refuses to obey an order of a justice for admission of the sanitary authority, or any of their officers, on any premises shall be liable to a penalty not exceeding *five pounds*.

A.D. 1877.

Penalty for disobedience of order.

P. H. (E.),
s. 103.
N. R., 1855,
s. 36.

Costs and expenses of execution of provisions relating to nuisances.

P. H. (E.),
s. 104.
N. R., 1855,
s. 19.

119. All reasonable costs and expenses incurred in making a complaint, or giving notice, or in obtaining any order of the court or any justice in relation to a nuisance under this Act, or in carrying the same into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order is made on the sanitary authority, or if no order is made, but the nuisance is proved to have existed when the complaint was made or the notice given, then of the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, such costs and expenses may be recovered from any person who is for the time being owner of such premises: Provided that such costs and expenses shall not exceed in the whole *one year's* rackrent of the premises.

Such costs and expenses, and any penalties incurred in relation to any such nuisance, may be recovered in a summary manner or in the Civil Bill Court or in any superior court; and the court shall have power to divide costs, expenses, and penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just.

Any costs and expenses recoverable under this section by a sanitary authority from an owner of premises may be recovered from the occupier for the time being of such premises; and the owner shall allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of the said premises, as if the same had been actually paid to such owner as part of such rent:

S. A., 1866,
s. 34.

Provided, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which, after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses, on application to him by the sanitary authority, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie on such occupier:

Provided also, that nothing herein contained shall affect any contract between any owner or occupier of any house, building, or other property whereby it is or may be agreed that the occupier

A.D. 1877. shall pay or discharge all rates, dues, and sums of money payable in respect of such house, building, or other property, or to affect any contract whatsoever between landlord and tenant.

Power of individual to complain to justice of nuisance.
P. H. (E.), s. 105.
N. R., 1860, s. 13.

120. Complaint may be made to a justice of the existence of a nuisance under this Act on any premises within the district of any sanitary authority by any person aggrieved thereby, or by any inhabitant of such district, or by any owner of premises within such district, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, appeal, and otherwise, as in the case of a complaint relating to a nuisance made to a justice by the sanitary authority :

Provided that the court may, if it thinks fit, adjourn the hearing or further hearing of the summons for an examination of the premises where the nuisance is alleged to exist, and may authorise the entry into such premises of any constable or other person for the purposes of such examination :

Provided also, that the court may authorise any constable or other person to do all necessary acts for executing an order made under this section, and to recover the expenses from the person on whom the order is made in a summary manner.

Any constable or other person authorised under this section shall have the like powers and be subject to the like restrictions as if he were an officer of the sanitary authority authorised under the provisions of this Act relating to nuisances to enter any premises and do any act thereon.

Power of officer of police to proceed in certain cases against nuisances.
P. H. (E.), s. 106.
S. A., 1866, s. 16.
P. H. (I.), s. 36.

121. Where it is proved to the satisfaction of the Local Government Board that a sanitary authority have made default in doing their duty in relation to nuisances under this Act, the Local Government Board may authorise any officer of police or constabulary acting within the district of the defaulting authority to institute any proceeding which the defaulting authority might institute with respect to such nuisances, and such officer may recover in a summary manner, or in the civil bill or any superior court, any expenses incurred by him, and not paid by the person proceeded against, from the defaulting authority :

But such officer of police or constabulary shall not be at liberty to enter any house or part of a house used as the dwelling of any person without such person's consent, or without the warrant of a justice, for the purpose of carrying into effect this enactment.

Sanitary authority may take

122. Any sanitary authority may, if in their opinion summary proceedings would afford an inadequate remedy, cause any pro-

ceedings to be taken against any person in any superior court of law or equity to enforce the abatement or prohibition of any nuisance under this Act, or for the recovery of any penalties from or for the punishment of any persons offending against the provisions of this Act relating to nuisances, and may order the expenses of and incident to all such proceedings to be paid out of the fund or rate applicable by them to the general purposes of this Act.

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proceedings in superior court for abatement of nuisances.

P. H. (E.), s. 107.

N. R., 1855, s. 30.

123. Where a nuisance under this Act within the district of a sanitary authority appears to be wholly or partially caused by some act or default committed or taking place without their district, the sanitary authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances by this Act authorised, with the same incidents and consequences, as if such act or default were committed or took place wholly within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district where the act or default is alleged to be committed or take place.

Power to proceed where cause of nuisance arises without district. P. H. (E.), s. 108.

124. Where two convictions against the provisions of any Act relating to the overcrowding of a house have taken place in respect of the same house within a period of three months (whether the persons convicted were or were not the same) a court of summary jurisdiction may, on the application of the sanitary authority of the district in which the house is situated, direct the closing of the house for such period as the court may deem necessary.

Provision in case of two convictions for overcrowding. P. H. (E.), s. 109. S. A., 1866, s. 36.

125. For the purpose of the provisions of this Act relating to nuisances any ship or vessel lying in any river, harbour, or other water within the district of a sanitary authority shall be subject to the jurisdiction of that authority in the same manner as if it were a house within such district; and any ship or vessel lying in any river, harbour, or other water not within the district of a sanitary authority shall be deemed to be within the district of such sanitary authority as may have been or may be prescribed by the Local Government Board, and where no sanitary authority has been prescribed, then of the sanitary authority whose district nearest adjoins the place where such ship or vessel is lying.

Provision as to ships. P. H. (E.), s. 110. S. A., 1866, ss. 30 and 32.

The master or other officer in charge of any such ship or vessel shall be deemed for the purpose of the said provisions to be the occupier of such ship or vessel.

This section shall not apply to any ship or vessel under the command or charge of any officer bearing Her Majesty's

A.D. 1877. commission, or to any ship or vessel belonging to any foreign government.

Provisions of Act relating to nuisances not to affect other remedies.
P. H. (E.), s. 111.

126. The provisions of this Act relating* to nuisances shall be deemed to be in addition to and not to abridge or affect any right, remedy, or proceeding under any other provisions of this Act, or 5 under any other Act not by this Act repealed, or at law or in equity:

Provided that no person shall be punished for the same offence both under the provisions of this Act relating to nuisances and under any other law or enactment. 10

OFFENSIVE TRADES.

Restriction on establishment of offensive trade in urban district.
P. H. (E.), s. 112.
T. I. A., s. 50.

127. Any person who, after the passing of this Act, establishes within the district of an urban authority, without their consent in writing, any offensive trade; that is to say, the trade of—

Blood boiler, or 15

Bone boiler, or

Fellmonger, or

Soap boiler, or

Tallow melter, or

Tripe boiler, or gut manufacturer, or 20

Any other noxious or offensive trade, business, or manufacture,

shall be liable to a penalty not exceeding *fifty pounds* in respect of the establishment thereof, and any person carrying on a business so established shall be liable to a penalty not exceeding *forty* 25 *shillings* for every day on which the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof.

Byelaws as to offensive trades in urban district.
P. H. (E.), s. 113.

128. Every urban authority shall from time to time, with the sanction of the Local Government Board, make byelaws with respect 30 to any offensive trades established with their consent either before or after the passing of this Act, in order to prevent or diminish the noxious or injurious effects thereof.

Duty of urban authority to complain to justice of nuisance arising from offensive trade.
P. H. (E.), s. 114.

129. Where any candle-house, melting-house, melting-place, or soap-house, or any slaughter-house, or any building or place for 35 boiling offal or blood, or for boiling, burning, or crushing bones, or any manufactory, building, or place used for any trade, business, process, or manufacture causing effluvia, is certified to any urban authority by their sanitary officer, or by any two legally qualified medical practitioners, or by any ten inhabitants of the 40

district of such urban authority, to be a nuisance or injurious to the health of any of the inhabitants of the district, such urban authority shall direct complaint to be made before a justice, who may summon the person by or on whose behalf the trade so complained of is carried on to appear before a court of summary jurisdiction.

A.D. 1877.
N. R., 1855,
ss. 27 and 30.
S. A., 1866,
s. 18.

The court shall inquire into the complaint, and if it appears to the court that the business carried on by the person complained of is a nuisance, or causes any effluvia which is a nuisance or injurious to the health of any of the inhabitants of the district, and unless it be shown that such person has used the best practicable means for abating such nuisance, or preventing or counteracting such effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier,) shall be liable to a penalty not exceeding *five pounds* nor less than *forty shillings*, and on a second and any subsequent conviction to a penalty double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of *two hundred pounds* :

Provided, that the court may suspend its final determination on condition that the person complained of undertakes to adopt, within a reasonable time, such means as the court may deem to be practicable and order to be carried into effect for abating such nuisance, or mitigating or preventing the injurious effects of such effluvia, or if such person gives notice of appeal to the court of quarter sessions in manner provided by this Act.

Any urban authority may, if they think fit, on such certificate as is in this section mentioned, cause to be taken any proceedings in any superior court of law or equity against any person in respect of the matters alleged in such certificate.

130. Where any house, building, manufactory, or place which is certified in pursuance of the last preceding section to be a nuisance or injurious to the health of any of the inhabitants of the district of an urban authority is situated without such district, such urban authority may take or cause to be taken any proceedings by that section authorised in respect of the matters alleged in the certificate, with the same incidents and consequences, as if the house, building, manufactory, or place were situated within such district; so, however, that summary proceedings shall not in any case be had otherwise than before a court having jurisdiction in the district where the house, building, manufactory, or place is situated.

Power to proceed where nuisance arises from offensive trade carried on without district.
P. H. (E.) s. 115.

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UN SOUND MEAT, &c.

Power of
medical
officer of
health to
inspect
meat, &c.
P. H. (E.),
s. 116.
N. R., 1863,
s. 2.
T. I. A.,
s. 47.
P. H. (I.),
s. 56.

131. Any sanitary officer of the sanitary authority may at all reasonable times inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter exposed for sale, or deposited in any place for the purpose 5 of sale, or of preparation for sale, and intended for the food of man, the proof that the same was not exposed or deposited for any such purpose, or was not intended for the food of man, resting with the party charged; and if any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter 10 appears to such sanitary officer to be diseased, or unsound, or unwholesome, or unfit for the food of man, he may seize and carry away the same himself, or by an assistant, in order to have the same dealt with by a justice.

Power of
justice to
order de-
struction of
unsound
meat, &c.
P. H. (E.),
s. 117.
N. R., 1863,
s. 2.
T. I. A.,
s. 47.
P. H. (I.),
s. 56.

132. If it appears to the justice that any animal, carcase, meat, 15 poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter so seized is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall condemn the same, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man; and the person to whom the same 20 belongs or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding *twenty pounds* for every animal, carcase, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour, or for the milk 25 or butter so condemned, or at the discretion of the justice, without the infliction of a fine, to imprisonment for a term of not more than *three months*.

The justice who, under this section, is empowered to convict the offender may be either the justice who may have ordered the article 30 to be disposed of or destroyed, or any other justice having jurisdiction in the place.

Penalty for
hindering
officer from
inspecting
meat, &c.
P. H. (E.),
s. 118.
N. R., 1863,
s. 3.

133. Any person who in any manner prevents any sanitary officer or other person duly authorised by the sanitary authority of the sanitary district from entering any premises in such district and 35 inspecting any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter, exposed or deposited for the purpose of sale, or of preparation for sale, and intended for the food of man, or who obstructs or impedes any such officer or person, when carrying into execution the provisions of this Act, 40 shall be liable to a penalty not exceeding *five pounds*.

134. On complaint made on oath by a sanitary officer, or other person duly authorised by a sanitary authority, any justice may grant a warrant to any such officer or person to enter any building or part of a building in which such officer or person has reason
 5 for believing that there is kept or concealed any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter which is intended for sale for the food of man, and is diseased, unsound, or unwholesome, or unfit for the food of man ; and to search for, seize, and carry away any such animal or other
 10 article in order to have the same dealt with by a justice under the provisions of this Act.

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Search warrant may be granted by a justice.

P. H. (E.), s. 119.

P. H. (I.), s. 57.

Any person who obstructs any such officer or person in the performance of his duty under such warrant shall, in addition to any other punishment to which he may be subject, be liable to a penalty
 15 not exceeding *twenty pounds*.

135. The grand jury of any county may, for the purpose of providing for the due execution of The Sale of Food and Drugs Act, 1875, from time to time, without previous application to presentment sessions, present in advance such moneys as may in their
 20 opinion be necessary, and the treasurer, or any person discharging the duties of treasurer, or finance committee of such county may, out of any money in his or their hands raised in pursuance of any such presentment, from time to time advance to any inspector of weights and measures or police constable such sums as he or they
 25 may think necessary for the purpose aforesaid.

Grand juries

may present in advance for the purpose of providing for the execution of The Sale of Food and Drugs Act, 1875.

INFECTIOUS DISEASES.

Provisions against Infection.

136. Where any sanitary authority are of opinion, on the certificate of their sanitary officer, or of any legally qualified
 30 medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be the duty of such authority to give notice in writing to the owner or occupier of such house or part thereof, requiring him to cleanse
 35 and disinfect such house or part thereof and articles within a time specified in such notice.

Duty of sanitary authority to cause premises to be cleansed and disinfected.

P. H. (E.), s. 120.

S. A., 1866 s. 22.

If the person to whom notice is so given fails to comply therewith, he shall be liable to a penalty of not less than *one shilling* and not exceeding *ten shillings* for every day during which he continues to

A.D. 1877. make default; and the sanitary authority shall cause such house or part thereof and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner.

Where the owner or occupier of any such house or part thereof is 5 from poverty or otherwise unable, in the opinion of the sanitary authority, effectually to carry out the requirements of this section, such authority may, without enforcing such requirements on such owner or occupier, with his consent cleanse and disinfect such house or part thereof and articles, and defray the expenses thereof. 10

Destruction of infected bedding, &c.
P. H. (E.),
s. 121.
P. H. (I.),
s. 50.

137. Any sanitary authority may direct the destruction of any bedding, clothing, or other articles which have been exposed to infection from any dangerous infectious disorder, and may give compensation for the same.

Provision of means of disinfection.
P. H. (E.),
s. 122.
S. A., 1866,
s. 23.

138. Every sanitary authority may provide a proper place, with all 15 necessary apparatus and attendance, for the disinfection of bedding, clothing, or other articles which have become infected, and shall cause any articles brought for disinfection to be disinfected free of charge, and may provide for the conveyance of such articles to such place. 20

Provision of conveyance for infected persons.
P. H. (E.),
s. 123.
S. A., 1866,
s. 24.

139. Every sanitary authority shall provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any infectious disorder, and shall pay the expense of conveying therein any person so suffering to a hospital or other place of destination. 25

Removal of infected persons without proper lodging to hospital by order of justice.
P. H. (E.),
s. 124.
S. A., 1866,
s. 26.
P. H. (I.),
s. 54.

140. Where any suitable hospital or place for the reception of the sick is provided within the district of a sanitary authority, or within a convenient distance of such district, any person who is suffering from any dangerous infectious disorder, and is without proper lodging or accommodation, or lodged in a room occupied by 30 other persons not so suffering, or is on board any ship or vessel, may, on a certificate signed by a legally qualified medical practitioner, and with the consent of the superintending body of such hospital or place, be removed, by order of any justice, to such hospital or place at the cost of the sanitary authority; and any person so 35 suffering, who is lodged in any common lodging-house, may, with the like consent and on a like certificate, be so removed by order of the sanitary authority.

An order under this section may be addressed to such constable or officer of the sanitary authority as the justice or sanitary authority 40

making the same may think expedient; and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding *ten pounds*. A.D. 1877.

141. Any person who—

- 5 (1.) While suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop, inn, or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor, or driver thereof that he is so suffering; or
- 01 (2.) Being in charge of any person so suffering, so exposes such sufferer; or
- 15 (3.) Gives, lends, sells, transmits, or exposes, without previous disinfection any bedding, clothing, rags, or other things which have been exposed to infection from any such disorder; or
- (4.) Exposes or conveys without proper precaution the body of any person who has died of any dangerous infectious disorder,
- 20 shall be liable to a penalty not exceeding *five pounds*; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the
- 25 court to pay such owner and driver the amount of any loss and expense they may incur in carrying into effect the provisions of this Act with respect to disinfection of the conveyance.

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags, or other things for the purpose of having the same disinfected.

30

- 142.** Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder, or any bedding, clothing, rags, or other things which have been exposed to infection from such disorder, and which have not been previously disinfected, and if he fails to do so he shall be liable to a penalty not exceeding *five pounds*; but no such owner or driver shall be required to convey any person so suffering, or any such bedding, clothing, or other things, until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.
- 35
- 40

Penalty on exposure of infected persons and things. P. H. (E.), s. 126. S. A., 1866, ss. 25 and 38.

Penalty on failing to provide for disinfection of public conveyance. P. H. (E.), s. 127. S. A., 1866, s. 25.

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Penalty on
letting
houses in
which
infected
persons have
been lodging.
P. H. (E.),
s. 128.
S. A., 1866,
s. 39.

143. Any person who knowingly lets for hire any house, room, or part of a house in which any person has been suffering from any dangerous infectious disorder, without having such house, room, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding *twenty pounds*. 5

For the purposes of this section, the keeper of an inn shall be deemed to let for hire part of a house to any person admitted as a guest into such inn. 10

Penalty on
persons
letting
or taking
houses
making false
statements
as to infec-
tious disease.
P. H. (E.),
s. 129.
P. H. (I.),
s. 59.

144. Any person letting for hire or showing for the purpose of letting for hire any house or part of a house who, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being or within six months previously having been therein any person suffering from any dangerous infectious disorder, or any person hiring or negotiating for the hire of any house or part of a house, who, on being questioned by any person letting, or showing for the purpose of letting, such house or part of a house as to the fact of any of the persons for whose use the said house or part of the house is about being hired being, or, within three months previously, having been affected by any dangerous infectious disorder, knowingly makes a false answer to such question, shall be liable, at the discretion of the court, to a penalty not exceeding *twenty pounds*, or to imprisonment, with or without hard labour, for a period not exceeding *one month*. 15 20 25

Infection in
schools.

145. Any person who shall knowingly send a child to school who, within the space of three months, has been suffering from any dangerous infectious disorder, or who has been resident in any house in which such dangerous infectious disorder shall have existed, within the space of six weeks, without a certificate from some duly qualified medical practitioner that such child is free from disease and infection, and unless his or her clothes have been properly disinfected, shall be liable to a penalty not exceeding *forty shillings*. 30

Justices may
make an
order for the
vaccination
of any child
under 14
years.
P. II. (I.),
s. 58.

146. If any registrar, or any officer appointed by the guardians to enforce the provisions of the Acts relating to vaccination in Ireland, shall give information in writing to a justice of the peace that he has reason to believe that any child under the age of fourteen years, being within the union or district for which the informant acts, has not been successfully vaccinated, and that he has given notice to the father or mother of the said child, or to the person having the care, nurture, or custody of such child, to procure its being vaccinated, and that this notice has been disregarded, 35 40

the justice may summon such father or mother or person to appear with the child before him at a certain time and place, and upon the appearance, if the justice shall find, after such examination as he shall deem necessary, that the child has not been vaccinated, A.D. 1877.

5 nor has already had the smallpox, he may, if he see fit, make an order under his hand and seal directing such child to be vaccinated within a certain time; and if at the expiration of such time the child shall not have been so vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, 10 the person upon whom such order shall have been made shall be proceeded against summarily, and, unless he can show some reasonable ground for his omission to carry the order into effect, shall be liable to a penalty not exceeding *twenty shillings*.

Provided that if the justice shall be of opinion that the person is 15 improperly brought before him, and shall refuse to make any order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the justice.

20 **147.** The Local Government Board may from time to time make, alter, and revoke such regulations as to the said Board may seem fit, with a view to the treatment of persons affected with cholera, or any other epidemic, endemic, or infectious disease, and preventing the spread of cholera and such other diseases, as well on the seas, rivers, 25 and waters of the United Kingdom, and on the high seas within three miles of the coasts thereof, as on land; and may declare by what authority or authorities such regulations shall be enforced and executed. Regulations so made shall be published in the Dublin Gazette, and such publication shall be for all purposes conclusive 30 evidence of such regulations.

Any person wilfully neglecting or refusing to obey or carry out or obstructing the execution of any regulation made under this section shall be liable to a penalty not exceeding *fifty pounds*.

PREVENTION OF THE SPREAD OF INFECTIOUS DISEASES.

35 **148.** Whenever any part of Ireland appears to be threatened with or is affected by any formidable epidemic, endemic, or infectious disease, the Local Government Board may make, and from time to time alter and revoke, regulations for all or any of the following purposes; (namely,) 40 (1.) For the speedy interment of the dead; and (2.) For house to house visitation; (3.) For the provision of medical aid and hospital accommodation; and

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D. P., ss. 5,
6, 7, and 11.
S. A., 1866,
ss. 30, 37, 62.
36 & 37 Vict.
c. 78.

(4.) For the promotion of cleansing, ventilation, and disinfection, and for guarding against the spread of disease.

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any sanitary authority, and to apply to any ships or vessels, whether on inland waters, or on arms or parts of the sea within the jurisdiction of the Lord High Admiral of the United Kingdom or the commissioners for executing the office of the Lord High Admiral for the time being, for the period in such order mentioned; and may by any subsequent order abridge or extend such period. For the purpose of any regulations to be made under this section any ship or vessel lying in any river, harbour, or other water within the district of a sanitary authority shall be subject to the jurisdiction of that authority in the same manner as if it were a house within such district; and any ship or vessel lying in any water not within the district of a sanitary authority shall be deemed to be within the district of such sanitary authority as may have been or may be prescribed by the Local Government Board, and where no sanitary authority has been prescribed, then of the sanitary authority whose district nearest adjoins the place where such ship or vessel is lying.

Boards of
guardians
to see to
the execution
of regula-
tions.
P. H. (E.),
s. 136.

149. The board of guardians of any union within which, or within part of which, regulations so issued by the Local Government Board are declared to be in force, shall superintend and see to the execution thereof, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts, matters, and things as may be necessary for mitigating any such disease, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require. Moreover, such board of guardians may from time to time direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any such regulations.

Any such expenses incurred by any board of guardians with respect to any ship or vessel lying in any river, harbour, or water, shall, in case the Local Government Board shall so direct, be defrayed out of a common fund to be contributed by the sanitary districts which, or any part of which, abut on such river, harbour, or water, in such proportions as the Local Government Board thinks just and shall order.

For the purpose of obtaining payment from any contributory sanitary district of the sum to be contributed by it, such board of guardians shall issue its precept to the sanitary authority of each such contributory district, requiring them within a time limited by the precept to pay the amount therein mentioned to the person therein specified.

Any contribution due from any sanitary authority under this section shall be a debt due from them and may be recovered accordingly, such contribution being deemed expenses of such sanitary authority incurred by them in carrying into effect the provisions of this Act.

150. The board of guardians of any union within which, or within part of which, regulations so issued by the Local Government Board are declared to be in force, and their officers, shall have power of entry on any premises or ships or vessels for the purpose of executing or superintending the execution of any regulations so issued by the Local Government Board as aforesaid.

Power of entry.
P. H. (E.),
s. 137.
D. P., s. 4.

151. Whenever, in compliance with any regulation so issued by the Local Government Board as aforesaid, the medical officer of health of any sanitary district performs any medical service on board any ship or vessel he shall be entitled to charge extra for such service, at a rate to be fixed by the Local Government Board; and such charges shall be payable by the captain of such vessel on behalf of the owner thereof, together with any reasonable expenses for the treatment of the sick.

Poor law medical officer entitled to costs of attendance on board vessels.
P. H. (E.),
s. 138.
D. P., s. 12.

20 Where such services are rendered by any medical practitioner who is not a medical officer of health of any sanitary district, he shall be entitled to charges for any service rendered on board, with extra remuneration on account of distance, at the same rate as those which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, to be paid as aforesaid. In case of dispute in respect of such charges, such dispute may, where the charges do not exceed *twenty pounds*, be determined by a court of summary jurisdiction; and such court shall determine summarily the amount which is reasonable, according to the accustomed rate of charge within the place where the dispute arises for attendance on patients of the like class as those in respect of whom the charge is made.

152. The Local Government Board may, if they think fit, by order authorise or require any two or more boards of guardians to act together for the purposes of the provisions of this Act relating to prevention of epidemic diseases, and may prescribe the mode of such joint action and of defraying the costs thereof.

Local Government Board may combine boards of guardians.
P. H. (E.),
s. 139.
S. A., 1866,
s. 40.

153. Any person who—

40 (1.) Wilfully violates any regulation so issued by the Local Government Board as aforesaid; or,

(2.) Wilfully obstructs any person acting under the authority or in the execution of any such regulation,

shall be liable to a penalty not exceeding *five pounds*.

Penalty for violating or obstructing the execution of regulations.
P. H. (E.),
s. 140.
D. P., s. 14.

[275.]

H 2

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Hospital
accommoda-
tion.

154. Any sanitary authority may, with the sanction of the Local Government Board, provide for the use of the inhabitants of its district hospitals or temporary places for the reception of the sick or convalescent, and for that purpose may itself build such hospitals or places of reception, or contract for the use of any existing hospital, 5 or part of a hospital, or place for the reception of the sick or convalescent, or may enter into an agreement with any person, or body of persons, having the management of any hospital for the reception of the sick or convalescent inhabitants of the district, on payment of such annual or other sum as may be agreed upon. 10

Recovery of
cost of
maintenance
of patient
in hospital.

155. Any expenses incurred by a sanitary authority in maintaining in a hospital, or in a temporary place for the reception of the sick (whether or not belonging to such authority) a patient who is not a pauper, shall be deemed to be a debt due from such patient to the sanitary authority, and may be recovered from him at any 15 time within six months after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place.

MORTUARIES, &c.

Power of
sanitary
authority
to provide
mortuaries.
P. II. (E.)
s. 141.
S. A., 1866,
s. 27.

156. Any sanitary authority may, and if required by the Local 20 Government Board shall, provide and fit up a proper place for the reception of dead bodies before interment (in this Act called a mortuary), and may make byelaws with respect to the management and charges for use of the same; they may also provide for the decent and economical interment, at charges to be fixed by such 25 byelaws, of any dead body which may be received into a mortuary.

Justice may
in certain
cases order
removal of
dead body
to mortuary.
P. H. (E.),
s. 142.
S. A., 1866,
s. 27.

157. Where the body of one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room is retained in such house 30 or room, any justice may, on a certificate signed by a legally qualified medical practitioner, whose fee for giving the certificate shall be ten shillings, to be paid by the sanitary authority, order the body to be removed, at the cost of the sanitary authority, to any mortuary provided by such authority, 35 and direct the same to be buried within a time to be limited in such order; and unless the friends or relations of the deceased undertake to bury the body within the time so limited, and do bury the same, it shall be the duty of the relieving officer to bury such body at the expense of the poor rate, but any expense so 40 incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial.

Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding *five pounds*. A.D. 1877.

The body of any person who has died of any dangerous infectious disease in any hospital or place for the treatment of the sick shall not be removed from such hospital, until removed direct to a mortuary or cemetery, and any person violating, or any officer of a hospital or other person who knowingly permits the violation of this provision, shall be liable to a penalty not exceeding *five pounds*.

- 10 **158.** Any sanitary authority may provide and maintain a proper place (otherwise than at a workhouse or at a mortuary) for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a coroner or other constituted authority, and may make regulations with respect to the management of such place; and where any such place has been provided, a coroner or other constituted authority may order the removal of the body to and from such place for carrying out such post-mortem examination, such costs of removal to be paid in the same manner and out of the same fund as the costs and fees for post-mortem examinations when ordered by the coroner.

Power of sanitary authority to provide places for post-mortem examinations.
P. H. (E.), s. 143.
S. A., 1866, s. 28.

PART III.

BURIAL GROUNDS.

- 159.** The Sanitary Authority of each Sanitary District shall be the burial board for such district, and such burial board shall, in carrying into execution the provisions of this Part of this Act, be subject to the control and direction of the Local Government Board.

Sanitary authority to be burial board.

- 160.** Every burial ground heretofore vested in a board of guardians by the Commissioners of Church Temporalities in Ireland shall be transferred to and shall vest in the burial board as constituted by this Act of the district within which it is situate, subject to all rights, liabilities, and obligations affecting the same, and any burial ground hereafter to be vested by the said Commissioners in a burial board shall be vested by them in the burial board of the district in which such burial ground shall be situate, anything to the contrary heretofore enacted notwithstanding.

Vesting of burial ground by Church Temporalities Commissioners.

- All burial grounds and all property, real and personal, including all interests, rights, and easements in, to, and out of property, real and personal (including things in action), heretofore belonging to or vested in any burial board under the Burial Grounds Acts shall be transferred to and vest in the burial board (as constituted by this Act) of the district within which the same are situate, subject to all rights, debts, liabilities, and obligations affecting the same.

Provided that every burial ground heretofore acquired by any

A.D. 1877. burial board under the provisions of the Burial Grounds Acts, or of any local Act, situate wholly or in part without the limits of the district of such burial board as prescribed by this Act, shall for all the purposes of this Act be deemed to be situate wholly within the limits of the district of such burial board. 5

All such property shall be held by such burial board upon trust for the district or several places respectively within its jurisdiction as a burial board under this Act.

On representation duly made, Local Government Board may restrain the opening of new burial grounds and order discontinuance of burials in specified places.
B. G., 1856, s. 5.

161. In case it shall appear to the Local Government Board, upon representation made to it or otherwise, that for the protection of public health the opening of any new burial ground in any city or town, or within any other limits in Ireland, save with the approval of the Local Government Board, should be prohibited, or that for such protection of public health, or for the maintenance of public decency, or to prevent a violation of the respect due to the remains of deceased persons, that burials in any city or town, or within any other limits, or in any burial ground or places of burial in Ireland, should be wholly discontinued, or should be discontinued subject to any exception or qualification, it shall be lawful for the Local Government Board to order that no new burial ground shall be opened in any city or town or within such limits, without such previous approval, or that after a time mentioned in the order burials in any such city or town, or within such limits, or in such burial grounds, or places of burial, shall be discontinued wholly or subject to any exceptions or qualifications mentioned in such order, and so from time to time as circumstances may require. 10 15 20 25

Power to direct local inquiry.

162. When and so often as such representation shall have been made, or otherwise as occasion may require, it shall and may be lawful for the Local Government Board, if it shall think fit, to direct an inquiry to be made in the place or district in which any such burial ground or place of burial may be situate, in respect of any matter in relation thereto, after notice shall have been given of the time, place, and subject of such inquiry, such notice to be published once in the Dublin Gazette, and affixed on the doors of the church and chapel of, or in some other conspicuous places within, the parish in which such burial ground may be situate, three weeks before the time of holding such inquiry; and it shall be lawful for one of the inspectors of the said Local Government Board to hold such inquiry, and upon receipt of the report of such inspector as to the result of such inquiry, and of the evidence, if any, taken thereon, it shall be lawful for the Local Government Board to act, and deal with, and make such order in the case, in such manner and in such form, and without further notice, as to them may seem meet; and at any time thereafter to vary such order as occasion 30 35 40

may require, and every such order or amended order shall be deemed in all respects valid and effectual in law. A.D. 1877.

163. It shall be lawful for the Local Government Board to postpone the time appointed by any order for the discontinuance of burials, or otherwise to vary any order made under this Act, (whether the time thereby appointed for the discontinuance of burials thereunder or other operation of such order shall or shall not have arrived,) as to the said board shall seem fit; and every order of the said board made for varying any order previously made under this Act shall be deemed valid and effectual in law. Local Government Board may postpone order for discontinuance of burials, &c. B. G., 1856, s. 6.

164. No such order as aforesaid shall be deemed to extend to any burial ground of the people called Quakers, used solely for the burial of the bodies of such people, unless the same shall be expressly mentioned in such order, and nothing in this Act shall prevent the burial of the bodies of such people in any such burial ground in which for the time being interment is not required to be discontinued. Order not to extend to burial grounds of Quakers, unless expressly included. B. G., 1856, s. 7.

165. No such order as aforesaid shall be deemed to extend to the burial grounds or cemeteries situate respectively in Merrion Row and Peter Street in the city of Dublin, the property of the French Protestants, and used solely for the burial of the bodies of the descendants of the French Protestant refugees, unless the same be expressly mentioned in such order, and nothing in this Act shall prevent the burial as heretofore in such burial grounds or cemeteries respectively, so situate in Merrion Row and Peter Street aforesaid, of the bodies of such descendants of French Protestant refugees. Order not to extend to burial grounds of French Protestants, unless expressly included. B. G., 1856, s. 8.

166. If any person, after the time mentioned in any order under this Act for the discontinuance of burials, knowingly and willfully buries any body, or in anywise acts or assists in the burial of any body, in or under any church, chapel, churchyard, burial ground, or place of burial or elsewhere, as the case may be, within the limits in which burials have by such order been ordered to be discontinued, in violation of the provisions of any such order, every person so offending shall, upon conviction thereof before a court of summary jurisdiction, forfeit a sum not exceeding *ten pounds*. Penalty on persons burying contrary to the provisions of orders. B. G., 1856, s. 9.

167. Notwithstanding any such order as aforesaid where, by usage or otherwise, there is at the time of the passing of this Act any usage or right of interment in or under any church or chapel affected by such order, or in any vault of any such church or chapel, or of any churchyard or burial ground affected by such order, and where any exclusive right of interment in any such burial ground has been purchased or acquired before the passing of the Burial Grounds (Ireland) Act, 1856, it shall be lawful for the Local Government Board, from time to time, on application Saving of certain rights to bury in vaults. B. G., 1856, s. 10.

A.D. 1877. being made to it, and on being satisfied that the exercise of such right is not injurious to health, to grant a license for the exercise of such right, during such time and subject to such conditions and restrictions as the said board may think fit; but such license shall not prejudice or in anywise affect the authority of any person 5 who if this Act had not been passed might have prohibited or controlled interment under such right, nor dispense with any consent which would have been required under such right, nor otherwise give to such right any greater force or effect than the same would have had if this Act had not been passed. 10

New burial grounds not to be opened contrary to order.
B. G., 1856,
s. 11.

168. Where by any such order as aforesaid it is ordered that no new burial ground shall be opened in any city or town or within any limits in such order mentioned, without the previous approval of the Local Government Board, no new burial ground or cemetery shall be provided and used in such city or town or within such 15 limits without such previous approval.

No corpse to be buried in private grave without consent.
B. G., 1856,
s. 12.

169. Where by usage or otherwise any grave, vault, or place of interment in any burial ground or cemetery has been the burying place of and used as such by any family, no corpse of any person 20 not having been a member of such family shall be buried in such grave, vault, or place of interment without the consent in writing of some immediate relative of the member of such family last interred therein; and if any person shall knowingly act or assist in any burial contrary to the provisions of this section, every such person shall be liable, on summary conviction before a court of 25 summary jurisdiction, to a penalty not exceeding *ten pounds*; and upon any complaint made under this section it shall be lawful for the court to make such order for the exhumation and re-interment of such corpse so buried as to such court shall seem fit.

No animal to be allowed to graze in burial places.
B. G., 1856,
s. 13.

170. No animal of any description shall be allowed to graze or 30 to be within the limits of any burial ground having a sufficient fence; and it shall be lawful for a court of summary jurisdiction to order the owners of any animal or animals so found within such burial ground to pay as a fine a sum not exceeding *two shillings* and not less than *one shilling* for each animal so found as 35 aforesaid, and to levy and dispose of said fine in the same manner as fines for trespass of cattle are now levied and disposed of under the provisions of the law at present in force in Ireland.

Upon requisition of rate-payers or members of burial board, meeting of board to be convened to determine whether burial

171. In any district in which no burial ground has been closed the clerk to the burial board shall, on the requisition in writing of 40 ten or more persons assessed for the relief of the poor in such burial board district, or upon the requisition in writing of any two or more members of the burial board, convene a special meeting of the burial board for determining whether a burial ground shall be

provided under this Act for the burial board district or any part thereof; and if a majority of such meeting shall resolve that a burial ground shall be provided under this Act, such new burial ground shall be provided, in the same manner as if an old burial

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ground shall
be provided.
B. G., 1856,
s. 14.

5 ground had been closed as herein-after directed.

172. Whenever any burial ground shall have been closed in any burial board district, by order, the burial board may, if it shall seem necessary or expedient, forthwith proceed to provide a suitable and convenient burial ground in place thereof, and to make arrangements for facilitating interments therein, under the provisions of this Act.

When burial
grounds are
closed by
order, board
to provide
suitable burial
grounds, &c.
B. G., 1856,
s. 15.

173. A burial ground may be provided under this Act, either within or without the limits of the burial board district, and such burial ground shall, for the purposes of this Act, be considered as if the same was within such limits; but no ground not already used as or appropriated for a cemetery shall be appropriated as a burial ground, or as an addition to a burial ground, under this Act, nearer than one hundred yards to any dwelling-house, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

Consent of
owners of
houses to
new burial
grounds,
where neces-
sary.
B. G., 1856,
s. 16.

174. It shall be lawful for the burial board to contract for and purchase or take any lands, and buildings thereon, for the purpose of forming a burial ground, or for making additions to any burial ground formed or purchased under the Burial Grounds Acts or this Act, as such board may think fit, or to purchase from any company or persons entitled thereto any cemetery or cemeteries or part or parts thereof, subject to the rights in vaults and graves and other subsisting rights which may have been previously granted therein: Provided always, that it shall be lawful for such board, in lieu of providing any such burial ground, to contract with any such company or persons entitled as aforesaid for the interment in such cemetery or cemeteries, and either in any allotted part of such cemetery or cemeteries or otherwise, and upon such terms as the burial board may think fit, of the bodies of persons who would have had rights of interment in the burial grounds of such district or place.

Board may
purchase
land for
cemeteries,
or contract
with ceme-
tery com-
panies.
B. G., 1856,
s. 17.

175. Where any burial ground is closed under the provisions of the Burial Grounds Acts or this Act, and a new burial ground provided in place thereof, the whole burthen upon and liabilities attaching to the burial ground so closed shall be transferred to and become burthens upon the burial ground provided in place thereof, and the revenues of the new burial ground shall be liable for the same in like manner as the revenues of the burial ground so closed were liable.

Liabilities of
old burial
grounds
transferred
to new burial
grounds.
B. G., 1856,
s. 19.

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Management
to be vested
in burial
boards.

B. G., 1856,
s. 20.

176. The general management, regulation, and control of the burial grounds provided under the Burial Grounds Acts or this Act shall, subject to the provisions of this Act and the regulations to be made thereunder, be vested in and exercised by the respective burial boards providing the same: Provided always, that any question which shall arise touching the fitness of any monumental inscription placed or proposed to be placed in any part or portion of such grounds shall be determined by the proper ministers of the religious denomination to which such part or portion shall have been allotted: Provided also, that at the burials of the bodies of members of any church or religious denomination, burial service according to the respective rites of such church or denomination may be performed or celebrated by the proper ministers of such church or denomination.

Boards may
sell exclusive
rights of
burial, and
rights to
erect monu-
ments, &c.
B. G., 1856,
s. 21.

177. Any burial board, under such restrictions and conditions as they think proper, may sell the exclusive right of burial, either in perpetuity or for a limited period, in such parts of any burial ground provided by such board as may be appropriated to that purpose, and also the right of constructing any chapel, vault, or place of burial, with the exclusive right of burial therein, in perpetuity or for a limited period, and also the right of erecting and placing any monument, gravestone, tablet, or monumental inscription in such burial ground, subject to the provisions herein-before contained: Provided always, that such exclusive rights shall not extend in all to a space of one half of such burial ground.

Boards may
make ar-
rangements
for facilitat-
ing the con-
veyance of
bodies to
burial
grounds.
B. G., 1856,
s. 22.

178. Any burial board may make such arrangements as they may from time to time think fit for regulating and facilitating the conveyance of the bodies of the dead from the place of death to any burial ground subject to the provisions of this Act and subject thereto and to the regulations to be made thereunder; and it shall be lawful for any of the aforesaid cemetery companies from whom the burial board shall have made any such purchase, or with whom the burial board shall have made any such contract as herein-before provided, to undertake any such arrangement, and to carry the same into effect subject to the provisions and regulations aforesaid.

Places may
be provided
for reception
of bodies
until inter-
ment.
B. G., 1856,
s. 23.

179. It shall be lawful for any burial board, subject to the provisions of this Act and the regulations to be made thereunder, to hire, take, or lease, or otherwise to provide, fit and proper places in which bodies may be received and taken care of previously to interment, and to make arrangements for the reception and care of the bodies to be deposited therein; and for providing such places such boards may exercise all the powers vested in them under this Act for providing burial grounds.

180. It shall be lawful for the Local Government Board from time to time to make such rules and regulations in relation to the burial grounds and places of reception of bodies previous to interment under this Act as may seem proper for the protection of the public health and the maintenance of public decency, and for the proper registry of interments, and to provide for the imposition and recovery of penalties not exceeding *ten pounds* for each offence, for the breach or non-observance of such regulations; and the burial boards, and all other persons having the care of such burial grounds and places for the reception of bodies, shall conform to and obey such regulations.

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Local Government Board may make regulations as to burial grounds, &c.
B. G., 1856, s. 24.

181. No funeral procession, or carriage in such procession, and no foot passenger, shall, while going to or returning from the place of interment on the occasion of any interment, be liable to any toll or pontage.

Exemption of burials from toll.
B. G., 1856, s. 25.

182. It shall be lawful for any burial board to enclose, lay out, and embellish any burial ground subject to the jurisdiction of such board, in such manner as may be fitting or proper: Provided always, that in all cases in which a burial board shall provide a new burial ground under this Act, it shall be lawful for such burial board, with the sanction of the Local Government Board, to divide such new burial ground or some part thereof into certain parts and proportions, to be allotted in such manner as to the Local Government Board shall seem fit, for the burial of the members of any particular religious denomination; and each such allotment shall, as the case may require, be consecrated according to the rites and by the proper ministers of the respective religious denominations for which each such allotment is so set apart.

Board may lay out and embellish burial ground.
B. G., 1856, s. 26.

183. It shall be lawful for any burial board to contract for and purchase any lands, and buildings thereon, for the purpose of making additions to any burial ground, although such burial ground shall not have been formed or purchased under the authority of this Act or any other Act of Parliament, provided that such burial ground is not attached or contiguous to any church or chapel or place of worship actually used for divine worship, nor is situate in a private demesne; and such burial board shall have and may exercise, with respect to the acquisition and management of such additions, all the powers and authorities and be subject to all the provisions contained in this Act with respect to the acquisition and management of new burial grounds.

Provisions of Act extended to additions to existing burial grounds.
B. G., 1860, s. 1.

184. When any burial ground not being attached or contiguous to any such church, chapel, or place of worship, nor situate as

When burial ground not fenced or

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 kept in decent order by owner, burial board may serve a notice requiring the same to be fenced, &c.
 B. G., 1860, s. 2.

aforesaid, is without any sufficient fence, or is not kept in decent order, the burial board for the district within which such burial ground shall be situated may, by notice in writing to the owner of such burial ground, require him properly to fence the same or put the same in decent order within a time to be specified 5 in such notice, not being less than *six calendar months*, and if such notice be not complied with within the time specified in such notice, the said burial board may securely fence such burial ground, and put the same into decent order, and the expense thereof shall be deemed part of the expenses incurred by the burial board 10 in the execution of this Act. And whenever it shall be necessary for obtaining convenient access for the purposes aforesaid, the said owner, or the burial board, and all persons authorised by them, may for the purpose of such access enter upon any lands adjoining the burial ground, doing no unnecessary damage, and any person 15 injured by such entry shall be compensated in the manner provided by this Act in that behalf: Provided always, that if any dispute shall arise between the burial board and the owners as to the necessity of such notice, or the sufficiency of his compliance with the same, or upon any ground connected with the work so required 20 to be done, such dispute shall be referred to the Local Government Board, whose decision shall be final.

After six months from service of notice, &c. burial board empowered to fence burial ground, and keep the same in order, and take the management.
 B. G., 1860, s. 3.

185. When such owner cannot be ascertained, or notice as aforesaid cannot be served, such burial board may give notice, by public advertisement in some newspaper circulating in the county 25 wherein such burial ground is situated, of their intention to fence such burial ground, or put the same in decent order, as the case may be, and after the expiration of a time to be specified in such notice, not being less than *six calendar months*, may proceed to fence such burial ground, or put the same in decent order; and 30 when such notice shall have been given or advertisement published and the expense of fencing of such burial ground or putting the same in decent order shall have been defrayed by such burial board, as herein-before mentioned, such burial ground shall be under the control and management of such burial board, and they shall be 35 deemed the owners thereof until such time as they shall have been reimbursed by the owner thereof the expense so incurred by them, with interest thereon at the rate of *five pounds* per centum per annum.

Burial boards may accept the management of burial grounds.

186. When the owner of any burial ground shall be desirous 40 of putting the same under the management of the burial board of the district, it shall be lawful for such burial board to accept the management thereof, and thereupon the said burial board shall be

deemed the owners thereof, and shall have and exercise all the powers and authorities of this Act, with respect to the same, until the owner, his heirs or assigns, shall repay to the said burial board all expenses incurred by them in securely fencing such burial
 5 ground or putting the same into decent order, with interest thereon at the rate of *five pounds per centum per annum*.

A.D. 1877.
 B. G., 1860,
 s. 4.

187. Every burial board under this Act may, subject to the approval of the Local Government Board, fix and receive such fees and payments in respect of interments in any burial ground
 10 provided by such board as they shall think fit, and from time to time revise and alter such fees and payments; and a table showing such fees and payments shall be printed and published, and shall be affixed and at all times continued on some conspicuous part of such burial ground.

Board to fix payments for interments in burial grounds.
 B. G., 1856,
 s. 27.

15 188. Minutes of all proceedings of the burial board under this Act, with the names of the members who attend each meeting, shall be kept; and the burial board shall provide and keep books in which shall be entered true and regular accounts of all sums of money received and paid by such board for or on account of the purposes of
 20 this Act, and of all liabilities incurred by them for such purposes, and of the several purposes for which such sums of money are paid and such liabilities incurred; and all such books shall at all reasonable times be open to the examination of every member of the burial board and of every person liable to pay poor rates in respect of
 25 property within the district, without fee, who may take copies of or extracts from such books, or any part thereof, without paying for the same.

Minutes of proceedings of board to be entered in a book. Board to keep accounts, which shall be open to inspection.
 B. G., 1856,
 s. 28.

189. A burial board may appoint and may remove at pleasure a clerk and such other officers and servants as shall be necessary
 30 for the business of the board in respect of or for the purposes of their burial ground, and may appoint reasonable salaries, wages, and allowances for such clerk, officers, and servants, and, when necessary, may hire a sufficient office for transacting the business of such burial board; and the provisions and clauses of "The Commissioners Clauses Act, 1847," with respect to the "appointment and accountability of the officers of the commissioners," shall, so far as the same are not varied by or inconsistent with the provisions
 35 of this Act, be incorporated therewith; and the commissioners in the said Act shall signify the "burial board" under this Act.

Board may appoint and remove officers, &c.
 B. G., 1856,
 s. 29.

40 190. All burials within any burial ground provided under this Act shall be registered in a register book to be provided by the burial board providing such ground, and kept for that purpose; and such register book shall be so kept by some officer appointed

Register of burials in every ground provided under this Act to be kept

A.D. 1877.

by burial
board.
B. G., 1856,
s. 30.

by the said board to do that duty; and in such register book shall be distinguished in what parts of the burial ground the several bodies (the burials of which are entered in such register book) are buried; and such register book, or copies or extracts thereof, or any document purporting to be a copy or extract thereof, shall be 5 received in all courts as evidence of the burials entered therein. The clerk or secretary, or registrar to every burial board and cemetery company shall make or cause to be made, at such times and in such manner as the Local Government Board may direct, a return of the names, addresses, dates of death and causes of death, so far as 10 ascertained by him, of the persons whose bodies have been interred in such burial ground to the registrar of the district in which the burial ground is situated.

Guardians or
council may
appropriate
lands for
purposes of
Act.
B. G., 1856,
s. 33.

191. Subject to the provisions of this Act, it shall be lawful for the guardians of any union or the council of any borough to 15 appropriate for the purposes of burial grounds under this Act any land belonging to the board of guardians of such union or to the body corporate of such borough respectively, or vested in any trustees, or others for the general benefit of the union or borough respectively, or any specific charity: Provided always, that when 20 any land so appropriated shall be subject to any charitable use such land shall be taken on such conditions only as the Court of Chancery, in the exercise of its jurisdiction over charitable trusts, shall appoint and direct.

Certain pro-
visions of
10 & 11 Vict.
c. 65. incor-
porated with
this Act.
B. G., 1856,
s. 35.

192. The provisions of "The Cemeteries Clauses Act, 1847," with 25 respect to the protection of the cemetery, shall be incorporated with this Act, and be applicable to any burial ground under this Act; and the words "the Company" in "The Cemeteries Clauses Act, 1847," shall signify the "burial board" under this Act.

Assessment
to local rates
not to be in-
creased after
purchase for
the purposes
of this or any
former Act.
B. G. 1856,
s. 38.

193. No land already or hereafter to be purchased or acquired 30 under the provisions of this Act, for the purpose of a burial ground (with or without any building erected or to be erected thereon), shall, while used for such purposes, be assessed to any grand jury cess, poor's rates, or other local rates, at a higher value or more improved rent than the value or rent at which the same was assessed 35 at the time of such purchase or acquisition.

Burial board
may let land
not required
for burials.
B. G., 1856,
s. 39.

194. It shall be lawful for any burial board, with the sanction of the Local Government Board, and subject to regulations approved of by the said board, to let any land purchased by and vested in them under this Act, and which has not been consecrated, and 40 in which no body has been at any time interred, and which is not for the time being required for the purposes of a burial ground, in such manner and on such terms as such board may see fit, but so,

nevertheless, that power shall be reserved to such board to resume any such land which may be required for the purposes aforesaid, upon giving *six months* notice. A.D. 1877.

195. In every case in which any order has been or shall here-
 5 after be issued for the discontinuance of burials in any churchyard or burial ground not vested in any other person or persons, the burial board shall maintain such churchyard or burial ground in decent order, and also do the necessary repair of the walls and other fences thereof; and any costs and expenses incurred in so
 10 doing shall be deemed to be expenses of the burial board, and shall be defrayed accordingly, unless there shall be some other fund legally chargeable with such costs and expenses.

Burial board to keep in order closed burial grounds, &c. B. G., 1856, s. 40.

196. Whereas the grand juries of the county and city of Water-
 ford, acting under the Act of the fortieth year of King George the
 15 Third, chapter ninety-three, purchased a piece of ground situate in the townland of Ballynasheagh, in the barony of Gaultier in the county of Waterford, for the purpose of a cemetery, in lieu of the ancient burial places of the six several parishes of Trinity Within, Saint Michael, Saint Stephen Within, Saint Olave, Saint John
 20 Within, and Saint Patrick, in the Borough of Waterford, and of the three parishes of Trinity Without, Saint John Without, and Saint Stephen Without, partly in the borough and partly in the county of Waterford, and of the two parishes of Kilbarry and Kil Saint Laurence in the county of Waterford: And whereas the said eleven
 25 parishes are all situate within the Poor Law Union of Waterford, and it has been provided by statute that the said piece of ground should be used as a burial ground for all the said parishes as if all the said parishes were situate within the limits of the said borough of Waterford, and as if the said piece of ground had been provided
 30 as the burial ground under the Burial Grounds Acts for the said several parishes; and that the said piece of ground should, without further conveyance, be vested in the Guardians of the Poor of the Waterford Union as the burial board, and for the use of all the district at present comprised in the said eleven parishes, sub-
 35 ject to all the powers and regulations contained relative to burial grounds, and as if the same had been purchased and acquired under the said Acts: Be it enacted that unless the said piece of ground shall be discontinued as a burial ground by the Local Government Board, under the provisions of this Act, all the said parishes and
 40 portions of parishes situate in the borough of Waterford shall, for the purposes of this part of this Act, be considered as if the same were without the limits of the said borough of Waterford.

Burial ground already provided by the county and city of Waterford. B. G., 1856, s. 34.

197. Whereas the mayor, aldermen, and burgesses of the borough of Limerick have, with the consent and approbation of the

Certain plot of ground to be deemed

A.D. 1877. Commissioners of Her Majesty's Treasury, executed a lease of a certain plot of ground situate at Gortuemanagh in the barony of Clanwilliam and county of Limerick (which plot of ground is part of the property of the said corporation of Limerick, but is not situate within the limits or boundaries of the borough of Limerick,) 5
 to be within the limits of the borough of Limerick.
 B. G. 1856, s. 41.
 unto certain parties for the term of two thousand years, at a certain yearly rent, for the purpose of the same being used as a cemetery or burial ground: Be it enacted, that for the purposes of this part of this Act the said plot of ground shall be deemed and taken to be within the limits or boundaries of the said borough 10
 of Limerick.

Not to apply to private mausoleums.
 B. G., 1856, s. 42.
198. The provisions of this part of this Act shall not apply to any private and exclusive family mausoleum or burial place not being within the limits of any public burial ground.

PART IV.

15

GENERAL PROVISIONS.

CONTRACTS.

Power of sanitary authorities to contract.
 P. H. (E.), s. 173.

199. Any sanitary authority may enter into any contracts necessary for carrying this Act into execution.

Provisions as to contracts by sanitary authority.
 P. H. (E.), s. 174.

200. With respect to contracts made by a sanitary authority 20
 under this Act, the following regulations shall be observed; (namely,)

- (1.) Every contract made by a sanitary authority whereof the value or amount exceeds *fifty pounds* shall be in writing and sealed with the common seal of such authority: 25
- (2.) Every such contract shall specify the work, materials, matters, or things to be furnished, had, or done, the price to be paid, and the time or times within which the contract is to be performed, and shall specify some pecuniary penalty to be paid in case the terms of the 30 contract are not duly performed:
- (3.) Before contracting for the execution of any works under the provisions of this Act, a sanitary authority shall obtain from a competent person an estimate in writing, as well of the probable expense of executing the work in a substantial 35 manner as of the annual expense of repairing the same; also a report as to the most advantageous mode of contracting, that is to say, whether by contracting only for the execution of the work, or for executing and also maintaining the same in repair during a term of years or otherwise: 40
- (4.) Before any contract of the value or amount of *one hundred pounds* or upwards is entered into by a sanitary authority ten days public notice, by advertisement or otherwise, at

the least shall be given, expressing the nature and purpose thereof and inviting tenders for the execution of the same; and such authority shall require and take sufficient security for the due performance of the same : A.D. 1877.

- 5 (5.) Every contract entered into by a sanitary authority in conformity with the provisions of this section, and duly executed by the other parties thereto, shall be binding on the authority by whom the same is executed and their successors and on all other parties thereto and their executors, administrators, successors, or assigns to all
10 intents and purposes : Provided that a sanitary authority may compound with any contractor or other person in respect of any penalty incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty is mentioned in any such contract,
15 or in any bond or otherwise, for such sums of money or other recompense as to such authority may seem proper.

PURCHASE OF LANDS.

- 20 **201.** Any sanitary authority may for the purposes and subject to the provisions of this Act purchase or take on lease, sell, or exchange any lands, whether situated within or without their district; they may also buy up any water-mill, dam, or weir which interferes with the proper drainage of or the supply of water to their district. Power to purchase lands.
L. G., s. 4.
P. H. (E.), s. 175.

- 25 Any lands acquired by a sanitary authority in pursuance of any powers in this Act contained and not required for the purpose for which they were acquired shall, except where otherwise expressly provided by this Act (unless the Local Government Board otherwise direct) be sold at the best price that can be gotten for the
30 same, and the proceeds of such sale shall be applied towards the discharge of any principal moneys which have been borrowed by such authority on the security of the fund or rate applicable by them for the general purposes of this Act, or if no such principal moneys are outstanding shall be carried to the account of such
35 fund or rate.

202. With respect to the purchase of lands by a sanitary authority for the purposes of this Act, the following regulations shall be observed; (that is to say,) Regulations as to purchase of land.

- (1.) The Lands Clauses Acts shall be incorporated with this Act, except the provisions relating to access to the special Act, and except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845 : L. G., s. 4.
P. H. (E.), s. 176.

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- (2.) The sanitary authority, before putting in force any of the powers of the said Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, shall

Publish once at the least in each of three consecutive 5
weeks in the month of November, in some newspaper
or newspapers circulating in their district, an adver-
tisement describing shortly the purposes in respect
of which the lands are proposed to be taken, naming
a place where a plan of the proposed undertaking 10
may be seen at all reasonable hours, and stating the
denominations and quantity of lands that they
require; and shall further

Serve a notice in the month of December on every
owner or reputed owner, lessee or reputed lessee, 15
and occupier of such lands, defining in each case the
particular lands intended to be taken, and requiring an
answer stating whether the person so served assents,
dissents, or is neuter in respect of the taking such lands:

- (3.) On compliance with the provisions of this section with 20
respect to advertisements and notices, and not sooner than
fourteen days after the service of the last-mentioned
notices, the sanitary authority may, if they think fit, pre-
sent a petition under their seal to the Local Government
Board. The petition shall state the lands intended to be 25
taken, and the purposes for which they are required, and
the names of the owners, lessees, and occupiers of lands
who have assented, dissented, or are neuter in respect of
the taking such lands, or who have returned no answer
to the notice; it shall pray that the sanitary authority 30
may, with reference to such lands, be allowed to put in
force the powers of the Lands Clauses Acts with respect
to the purchase and taking of lands otherwise than by
agreement, and such prayer shall be supported by such
evidence as the Local Government Board requires: 35
- (4.) On the receipt of such petition, and on due proof of the
proper advertisements having been published, and notices
served, the Local Government Board shall take such
petition into consideration, and may either dismiss the
same, or direct a local inquiry as to the propriety of 40
assenting to the prayer of such petition; but until such
inquiry has been made no provisional order shall be made

affecting any lands without the consent of the owners, lessees, and occupiers thereof: A.D. 1877.

- (5.) After the completion of such inquiry the Local Government Board may, by provisional order, empower the sanitary authority to put in force, with reference to the lands referred to in such order, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as the Board may think fit, and it shall be the duty of the sanitary authority to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served:
- 15 Provided that the notices by this section required to be given in the months of November and December may be given in the months of September and October, or of October and November, but in either of such last-mentioned cases an inquiry preliminary to the provisional order to which such notices refer, shall not be
- 20 held until the expiration of one month from the last day of the second of the two months in which the notices are given; and any notices or orders by this section required to be served on a number of persons having any right in, over, or on lands in common, may be served on any three or more of such persons on behalf of all
- 25 such persons.

203. Any sanitary authority may, subject to the provisions of this Act, with the consent of the Local Government Board, let for any term any lands which they may possess, as and when they can conveniently spare the same.

Power to let lands.
P. H. (I.),
s. 31.
P. H. (E.)
s. 177.

30 POWERS OF BOARD IN RELATION TO LOCAL ACTS, &C.

- 204.** The Local Government Board may, on the application of the sanitary authority of any district, by provisional order, wholly or partially repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers which is in force in any area comprising the whole or part of any such district, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject matters as this Act.

Any such provisional order may provide for the extension of the provisions of the Local Act referred to therein beyond the district or

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Power to repeal and alter local Acts.
P. H. (I.),
s. 26.
P. H. (E.)
s. 303.

A.D. 1877. districts within the limits of such Act, or for the exclusion of the whole or a portion of any such district from the application of such Act; and may provide what sanitary authority shall have jurisdiction for the purposes of this Act in any area which is by such order included in or excluded from such district. 5

Transfer of powers of grand jury. L. G. A., s. 5.

205. The Local Government Board may on the application of the urban sanitary authority of any urban district, by a provisional order transfer from the grand jury or grand juries of the county or counties within which such district is situate to such sanitary authority the jurisdiction, power, and authority with respect to roads, bridges, foot- 10 paths, and public works within such district, vested in such grand jury or grand juries under any Act or Acts; and prevent such grand jury or grand juries, after such transfer, from making any presentment with regard to any road, bridge, footpath, or other public work within such district; and provide for the due payment 15 of the balance of the grand jury cess to which such district will then, in future, be liable; and authorise the making and levying of further rates in addition to and in excess of the maximum amount of rates authorised to be made and levied by the sanitary authority of such district to enable them to defray the expenses consequent 20 upon and incident to such transfer from the grand jury, when the maximum amount of rates authorised is insufficient to defray such expenses as aforesaid:

Provided that no such provisional order shall be granted unless a previous application has been made to the grand jury or 25 grand juries affected thereby, and unless such grand jury or grand juries shall consent to the making of such provisional order, such consent being testified by a presentment or presentments to that effect.

Powers of inspectors of Local Government Board. P. H. (I.), s. 11.

206. Inspectors of the Local Government Board may attend any 30 meetings of sanitary authorities, or of committees of sanitary authorities, during the transaction of business arising under any of the provisions of this Act.

Power of Board to direct inquiries. P. H. (E.), s. 293.

207. The Local Government Board may from time to time cause to be made such inquiries as are directed by this Act, and such 35 inquiries as they see fit in relation to any matters concerning the public health in any place, or any matters with respect to which their sanction, approval, or consent is required by this Act.

Orders as to cost of inquiries. P. H. (E.), s. 294.

208. The Local Government Board may make orders as to the cost of inquiries or proceedings instituted by, or of appeals to the 40 said Board under this Act, and as to the parties by whom or the

rates out of which such costs shall be borne; and every such order may be made a rule of one of the superior courts of law on the application of any person named therein.

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- 209.** Where complaint is made to the Local Government Board that a sanitary authority has made default in providing their district with sufficient sewers, or in the maintenance of existing sewers, or in providing their district with a supply of water, in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water, and a proper supply can be got at a reasonable cost, or that a sanitary authority has made default in enforcing any provisions of this Act which it is their duty to enforce, the Local Government Board, if satisfied, after due inquiry, that such authority has been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If default is made to obey such order and to perform such duty by the time limited in the order, such order may, in the case of an urban authority, be enforced by writ of Mandamus, and in the case of a rural authority making such default as is last mentioned, such rural authority shall be deemed to have made default in the execution of their duties as a board of poor law guardians under the Poor Law Acts, and thereupon it shall be lawful for the Local Government Board to dissolve them as such board and to provide for the execution of their duties under the Poor Law Acts and this Act in manner prescribed by the Poor Law Acts in the case of the dissolution of boards of guardians of poor law unions.

Proceedings on complaint to Board of default of sanitary authority. S. A., 1866, s. 49.

- 210.** All orders made by the Local Government Board in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as that Board may direct.

Orders of Board under this Act. P. H. (E.), s. 295.

- 211.** Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board, have, in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those conferred upon Poor Law inspectors by the Poor Law Acts.

Powers of inspectors of Local Government Board. P. H. (E.), s. 296. P. H. (I.), s. 11.

PROVISIONAL ORDERS BY BOARD.

- 212.** With respect to provisional orders authorised to be made by the Local Government Board under this Act, the following provisions shall apply:

As to provisional orders made by Local Government Board. P. H. (E.), s. 297.

- (1.) The Local Government Board shall not make any provisional order under this Act unless public notice of the purport

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of the proposed order has been previously given by advertisement in two successive weeks in some newspaper or newspapers circulating in the district or districts to which such provisional order relates :

- (2.) Before making any such provisional order, the Local Government Board shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections :
- (3.) The Local Government Board may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament :
- (4.) If while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private bills :
- (5.) Any Act confirming any provisional order made in pursuance of any of the Sanitary Acts or of this Act, and any Order in Council made in pursuance of any of the Sanitary Acts, may be repealed, altered, or amended by any provisional order made by the Local Government Board and confirmed by Parliament :
- (6.) The Local Government Board may revoke, either wholly or partially, any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament :
- (7.) The making of a provisional order shall be *prima facie* evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with :
- (8.) Every Act confirming any such provisional order shall be deemed to be a public general Act.

Costs of
provisional
orders.
P. H. (E.),
s. 298.

213. The reasonable costs of any sanitary authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Local Government

Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the sanitary authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought
 5 expedient by the Local Government Board; the sanitary authority may contract a loan for the purpose of defraying such costs.

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ARBITRATION.

214. In case of dispute as to the amount of any compensation to be made under the provisions of this Act (except where the mode
 10 of determining the same is specially provided for), and in case of any matter which by this Act is authorised or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party shall appoint an arbitrator to whom the matter shall be referred.
215. With respect to arbitrations under this Act, the following
 15 regulations shall be observed; (that is to say,)
- (1.) Every appointment of an arbitrator under this Act when made on behalf of the sanitary authority shall be under their common seal, and on behalf of any other party under
 20 his hand, or if such party be a corporation aggregate under their common seal :
- (2.) Every such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same :
- 25 (3.) After the making of any such appointment the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation :
- (4.) If for the space of fourteen days after any matter by this Act authorised or directed to be settled by arbitration has arisen
 30 and notice in writing by one party who has duly appointed an arbitrator has been given to the other party, stating the matter to be referred, and accompanied by a copy of such appointment, the party to whom notice is given fails to appoint an arbitrator, the arbitrator appointed by the
 35 party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties :
- (5.) If before the determination of any matter so referred any arbitrator dies or refuses or becomes incapable to act, the party by whom such arbitrator was appointed may appoint
 40 in writing another person in his stead; and if such party fails so to do for the space of seven days after notice in

Mode of
reference to
arbitration.
L. G., s. 19.
S. U., 1865,
s. 8.
S. A., 1866,
s. 9.
P. H. (E.),
s. 179.

Regulations
as to arbi-
tration.
P. H. (E.),
s. 180.

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writing from the other party in that behalf, the remaining arbitrator may proceed *ex parte*; and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made:

- (6.) If a single arbitrator dies or becomes incapable to act before the making of his award, or fails to make his award within twenty-one days after his appointment, or within such extended time, if any, as may have been duly appointed by him for that purpose, the matters referred to him shall be again referred to arbitration under the provisions of this Act, as if no former reference had been made: 5
- (7.) Where there is more than one arbitrator, the arbitrators shall, before they enter on the reference, appoint by writing under their hands an umpire, and if the person appointed to be umpire dies or becomes incapable to act, the arbitrators shall forthwith appoint another person in his stead; and if the arbitrators neglect or refuse to appoint an umpire for seven days after being requested so to do by any party to the arbitration, the Local Government Board shall, on the application of any such party, appoint an umpire: 15
- (8.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been duly appointed by them for that purpose, the matters referred shall be determined by the umpire: 25
- (9.) The time for making an award by arbitrators under this Act shall not in any case be extended beyond the period of two months from the date of the submission, and the time for making an award by an umpire under this Act shall not in any case be extended beyond the period of two months from the date of the reference of the matters to him: 30
- (10.) Before any arbitrator or umpire enters on a reference under this Act he shall make and subscribe the following declaration before a justice of the peace; (that is to say,) 35
‘I *A.B.* do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the Public Health (Ireland) Act, 1877. 40

‘*A.B.*’

(11.) Such declaration shall be annexed to the award when made; and any arbitrator or umpire who wilfully acts contrary to such declaration shall be guilty of a misdemeanour: A.D. 1877.

(12.) Any arbitrator, arbitrators, or umpire appointed by virtue of this Act may require the production of such documents in the possession or power of either party as he or they or he may think necessary for determining the matters referred, and may examine the parties or their witnesses on oath:

(13.) The costs of and consequent upon the reference shall be in the discretion of the arbitrator or arbitrators, or (in case the matters referred are determined by an umpire) of the umpire:

(14.) Any submission to arbitration under the provisions of this Act may be made a rule of any of the superior courts, on the application of any party thereto:

(15.) The award of arbitrators or of an umpire under this Act shall be final and binding on all parties to the reference.

216. All questions referable to arbitration under this Act may, when the amount in dispute is less than twenty pounds, be determined at the option of either party before a court of summary jurisdiction, but the court may, if it thinks fit, require that any work in respect of which the claim of the sanitary authority is made and the particulars of the claim be reported on to them by any competent surveyor, not being the surveyor of the sanitary authority; and the court may determine the amount of costs incurred in that behalf, and by whom such costs or any part of them shall be paid. Claims under 20l. may be referred to court of summary jurisdiction. P. H. (E.), s. 181.

BYELAWS.

217. All byelaws made by a sanitary authority under and for the purposes of this Act shall be under their common seal; and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act: Provided that no byelaw made under this Act by a sanitary authority shall be of any effect if repugnant to the laws of Ireland or to the provisions of this Act. Authentication and alteration of byelaws. P. H. (E.), s. 182.

218. Any sanitary authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of *five pounds* for each offence, and in the case of a continuing offence a further penalty not exceeding *forty shillings* for each day after written notice of the offence from the sanitary authority; but all Power to impose penalties on breach of byelaws. P. H. (E.), s. 183.

A.D. 1877. such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Nothing in the provisions of any Act incorporated herewith shall authorise the imposition or recovery under any byelaws made in pursuance of such provisions of any greater penalty than the penalties in this section specified. 5

Confirmation
of byelaws.
P. H. (I.),
s. 33.
P. H. (E.),
s. 184.

219. Byelaws made by a sanitary authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; nor shall any such byelaws be confirmed— 10

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulating within the district to which such byelaws relate, one month at least before the making of such application; and 15

Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the sanitary authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward. 20

The clerk of the sanitary authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A byelaw required to be confirmed by the Local Government Board shall not require confirmation allowance or approval by any other authority. 25

Byelaws to
be printed,
&c.
P. H. (E.)
s. 185.

220. All byelaws made by a sanitary authority under this Act, or for purposes the same as or similar to those of this Act under any local Act, shall be printed and hung up in the office of such authority; and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same. 30

Evidence of
byelaws.
P. H. (E.),
s. 186.

221. A copy of any byelaws made under this Act by a sanitary authority, signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws without further or other proof. 35

Byelaws
made under
s. 125. of
3 & 4 Vict.
c. 108. to be

222. Byelaws made by the council of any borough under the provisions of section one hundred and twenty-five of the Act of session of the third and fourth years of Her present Majesty, 40

chapter one hundred and eight, for the prevention and suppression of certain nuisances, shall not be required to be sent to the Lord Lieutenant, nor shall they be subject to the disallowance in that section mentioned; but all the provisions of this Act relating to byelaws shall apply to the byelaws so made as if they were made under this Act.

A.D. 1877.

submitted
to Local
Government
Board.P. H. (E.),
s. 187.

223. The provisions of this Act relating to byelaws shall not apply to any regulations which a sanitary authority is by this Act authorised to make; nevertheless, any sanitary authority may cause any regulations made by them under this Act to be published in such manner as they see fit.

As to regu-
lations of
sanitary
authority.
P. H. (E.),
s. 188.

PART V.

FINANCIAL.

EXPENSES OF URBAN AUTHORITY.

224. All expenses incurred or payable by an urban sanitary authority in the execution of this Act and not otherwise provided for shall be defrayed as follows; that is to say,

Expenses of
urban sani-
itary autho-
rity.

(1.) In the case of the council of a borough, out of the borough fund or borough rate:

P. H. (I.),
s. 12.

(2.) In the case of an urban sanitary authority being commissioners under any of the Acts specified in the first column of the table contained in section four of this Act, or under any Local Act, out of any rate leviable by them as such commissioners throughout the whole of their district:

Provided that where an urban sanitary authority had before the passing of this Act power to levy throughout the whole of its district a rate or rates for paving, sewerage, or other sanitary purposes, all expenses incurred by such authority in the performance of its duties under this Act shall be defrayed out of such rate or rates, except where at the time of the passing of this Act any such expenses were chargeable upon the borough fund or borough rate, in which case such expenses shall continue so chargeable: Provided also, that if application be made to the Local Government Board whereby it shall be alleged that it would be inequitable or inconvenient in the district of any urban sanitary authority that the said expenses should be borne as last aforesaid, the said Board may, after inquiry, by order under seal alter the incidence of such charge in respect of the whole or such part of the expenditure referred to, as to them shall appear to be fair and equitable.

225. Any limit imposed on or in respect of any rate by any Act of Parliament shall not apply to any rate required to be levied

Statutable
limit of
rating.

A.D. 1877.

not to apply
to expenses
for sanitary
purposes.

Amendment
of s. 60 of
17 & 18 Vict.
c. 103.

for the purpose of defraying any expenses incurred by a sanitary authority for sanitary purposes.

226. Where in any town in which the Towns Improvement (Ireland) Act, 1854, is in force the provisions of that Act with respect to water have been adopted, the amount of any assessment under section sixty of the said Act may, notwithstanding the limitations in the said section contained, amount to but shall not exceed the rate of *two shillings* in the pound.

PRIVATE IMPROVEMENT EXPENSES.

Power to
make
private im-
provement
rates.
P. H. (E.),
s. 213.

227. Whenever an urban authority have incurred or become liable to any expenses which by this Act are or by such authority may be declared to be private improvement expenses, such authority may, if they think fit, make and levy on the occupier of the premises in respect of which the expenses have been incurred, in addition to all other rates, a rate or rates to be called private improvement rates, of such amount as will be sufficient to discharge such expenses, together with interest thereon at a rate not exceeding *five pounds* per centum per annum, in such period not exceeding *thirty years* as the urban authority may in each case determine.

Provided that whenever any premises in respect of which any private improvement rate is made become unoccupied before the expiration of the period for which the rate was made, or before the same is fully paid off, such rate shall become a charge on and be paid by the owner for the time being of the premises so long as the same continue to be unoccupied.

Proportion
of private
improvement
rate may be
deducted
from rent.
P. H. (E.),
s. 214.

228. Where the occupier by whom any private improvement rate is paid holds the premises in respect of which the rate is made at a rent not less than the rackrent, he shall be entitled to deduct three fourths of the amount paid by him on account of such rate from the rent payable by him to his landlord, and if he hold at a rent less than the rackrent he shall be entitled to deduct from the rent so payable by him such proportion of three fourths of the rate as his rent bears to the rackrent; and if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made, and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof.

Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him. A.D. 1877.

- 229.** At any time before the expiration of the period for which any private improvement rate is made, the owner or occupier of the premises assessed thereto may redeem the same, by paying to the urban authority the expenses in respect of which the rate was made, or such part thereof as may not have been defrayed by sums already levied in respect of the same :
- 10 Provided that money paid in redemption of any private improvement rate shall not be applied by the urban authority otherwise than in defraying expenses incurred by them in works of private improvement or in discharging the principal of any moneys borrowed by them to meet those expenses, whether by means of a sinking
- 15 fund or otherwise.
- Redemption of private improvement rates. P. H. (E.), s. 215.

EXPENSES OF RURAL AUTHORITY.

- 230.** The expenses incurred by a rural sanitary authority in the execution of this Act shall be divided into general expenses and special expenses.
- 20 General expenses, other than those chargeable upon owners and occupiers under this Act, shall be the expenses of the establishment and officers of the sanitary authority, and all other expenses not determined by this Act or the order of the Local Government Board to be special expenses.
- 25 Special expenses shall be the expenses of the construction, maintenance, and cleansing of sewers in any contributory place within the district, the providing a supply of water to any such place, the providing, repairing, and cleansing public wells, the lighting where duly authorised, the charges or expenses arising out of or incidental
- 30 to the possession of property transferred to the rural sanitary authority in trust for any district or contributory place, and all other expenses incurred or payable by the sanitary authority in or in respect of any contributory place within the district, and determined by the order of the Local Government Board to be special
- 35 expenses.
- Expenses of rural sanitary authority. P. H. (I.), s. 13.

When the rural sanitary authority makes any sewers or provides any water supply or executes any other work under this Act for the common benefit of any two or more contributory places within its district, it may apportion the expense of constructing

40 any such work and of maintaining the same, in such proportions as it thinks just, between such contributory places ; and any expense

A.D. 1877. so apportioned to any such contributory place shall be deemed to be special expenses legally incurred in respect of such contributory place.

Ten or more ratepayers, or any number of persons liable to be rated to one fifth part of the whole rate, of any contributory place, 5 if aggrieved by any such apportionment, may send or deliver a memorial to the Local Government Board stating their grounds of complaint, and the said Board may, after due inquiry, make such order in the matter as to it may seem equitable, and the order so made shall be binding and conclusive upon all parties concerned. 10

General expenses shall be payable out of a common fund to be raised out of the poor rate of the electoral divisions or parts thereof in the district according to the rateable value of each electoral division or part thereof.

Special expenses shall be a separate charge on some contributory 15 place or places.

The following areas situated in a rural sanitary district shall be contributory places for the purposes of this Act; that is to say,

- (1.) The dispensary district:
- (2.) The electoral division: 20
- (3.) The townland:
- (4.) Such portions of any townland or townlands as may be determined by the Local Government Board:

Provided that the Local Government Board shall have power to determine on what area of charge being a contributory place, or 25 consisting of contributory places, any special expenses shall be chargeable, whether incurred after the passing of this Act or still due in respect of works executed before the passing of this Act.

Mode of
raising con-
tributions in
rural sani-
tary district.
P. H. (I.),
s. 14.

231. For the purpose of obtaining payment for special expenses from the several contributory places within its district the board of 30 guardians, being the rural sanitary authority, shall levy the same as part of the poor rate by a special poundage rate to be added to the poor rate on such contributory places and to be collected there-with and recoverable in the same manner and with the same remedies by the collectors of the poor rate and lodged to the credit of 35 the guardians with the treasurer of the union; and the expenditure thereof shall be brought to account in such form and manner as the Local Government Board shall from time to time by any general order direct; and if not otherwise directed by such general order, the sums levied by such special poundage and placed to the credit 40 of the board of guardians shall be applied by them in discharge of the special expenses incurred as aforesaid on account of such contributory places respectively; and every person upon whom such

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special poundage rate shall be levied shall be entitled to make the same deduction from the rent which he may be liable to pay as he would be entitled to make if the same were levied for carrying into execution the laws for the relief of the destitute poor in Ireland; and the person from whom such deduction shall be made shall in like manner be entitled to deduct from any rent paid by him, such proportion of the amount so deducted from the rent paid to him as he would be entitled to deduct if the rate were made for the relief of the destitute poor.

10 EXPENSES OF BURIAL BOARD.

232. The expenses incurred by the rural sanitary authority of any district as the burial board of such district in the execution of Part III. of this Act, shall be charged on and paid out of the poor rates of the union, or of any electoral division, or of any townland or townlands situate therein, as the Local Government Board shall by order under seal in each case determine; and all moneys borrowed by the burial board of such district before or after the passing of this Act, and any interest thereon, shall be secured upon the rates aforesaid; and the expenses incurred by the urban sanitary authority of any urban sanitary district as a burial board in the execution of Part III. of this Act, or in paying any money borrowed by the burial board of such district before or after the passing of this Act, and any interest thereon shall be charged upon and paid out of a separate rate to be levied for such purpose within such district; and such urban sanitary authority shall have all such powers for making and levying such rate respectively, and all provisions shall be applicable in respect thereof, as in the case of any borough rate or improvement rate authorised to be made by such urban sanitary authority under the provisions of the respective Acts of Parliament under which such urban sanitary authority are constituted: Provided always, that such rates may be levied wholly or partly in the parishes within such district for which any new burial ground has been provided under the Burial Ground Acts or may be provided under this Act, if the Local Government Board has by any order in that behalf so directed or shall so direct.

Expenses of burial boards. B. G., 1856, s. 32.

EXPENSES OF JOINT BOARD.

233. Any expenses incurred by a joint board in pursuance of this Act, unless otherwise determined by the provisional order, shall be defrayed out of a common fund to be contributed by the component districts or contributory places in proportion to the rateable value of the property in each district or contributory place, such value to be

Expenses incurred by joint board, how to be defrayed. P. H. (I.), s. 23.

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Payment of
contribu-
tions to joint
board.
P. H. (I.),
s. 24.

234. For the purpose of obtaining payment from component districts of the sums to be contributed by them the joint board shall issue its precept to the sanitary authority of each component district 5 stating the sum to be contributed by it and requiring such authority, within a time limited by the precept, to pay the sums therein mentioned to the joint board or to such person as the joint board may direct.

Any sum mentioned in a precept addressed by a joint board to a 10 sanitary authority as aforesaid shall be a debt due from it, and may be recovered accordingly; such contribution, in the case of a rural sanitary authority, being deemed to be general expenses.

For the purpose of obtaining payment from contributory places of the sums to be contributed by them, the joint board shall have the 15 same powers of issuing precepts and of recovering the amounts named therein as if such contributory places formed a rural sanitary district and the joint board were the sanitary authority thereof.

BORROWING POWERS.

Power to
borrow on
credit of
rates.
P. H. (I.),
s. 40.
P. H. (E.),
s. 233.

235. Any sanitary authority may, with the sanction of the Local 20 Government Board, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by them in the execution of the Sanitary Acts or of this Act, or for the purpose of discharging any loans contracted under the Sanitary Acts or this Act, borrow or re-borrow, and take up at interest, any sums of money 25 necessary for defraying any such costs, charges, and expenses, or for discharging any such loans as aforesaid.

An urban authority may borrow or re-borrow any such sums on the credit of any fund or all or any rates or rate out of which they are authorised to defray expenses incurred by them in the execution 30 of this Act, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund or rates or rate.

A rural authority may borrow or re-borrow any such sums, if 35 applied or intended to be applied to general expenses of such authority, on the credit of the common fund out of which such expenses are payable, and if applied or intended to be applied to special expenses of such authority, on the credit of any rate or rates out of which such expenses are payable, and for the purpose of 40 securing the repayment of any sums so borrowed, with interest

thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund rate or rates. A.D. 1877.

236. The exercise of the powers of borrowing conferred by this Act shall be subject to the following regulations; (namely,)

Regulations
as to exer-
cise of
borrowing
powers.
P. H. (I.),
s. 45.
P. H. (E.),
s. 234.

5 (1.) Money shall not be borrowed except for permanent works, (including under this expression any works of which the cost ought in the opinion of the Local Government Board to be spread over a term of years):

10 (2.) The sum borrowed shall not at any time exceed, with the balances of all the outstanding loans contracted by the sanitary authority under the Sanitary Acts and this Act, in the whole twice the net annual value of the premises assessable within the district in respect of which such money may be borrowed:

15 (3.) Where the sum proposed to be borrowed with such balances (if any) would exceed the assessable value for one year of such premises, the Local Government Board shall not give their sanction to such loan until one of their inspectors has held a local inquiry and reported to the said Board:

20 (4.) The money may be borrowed for such time, not exceeding sixty years, as the sanitary authority, with the sanction of the Local Government Board, determine in each case; and, subject as aforesaid, the sanitary authority shall either pay off the moneys so borrowed by equal annual instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer bills or other Government securities, such sum as will with accumulations in the way of compound interest be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned:

30 (5.) A sanitary authority may at any time apply the whole or any part of a sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied:

40 (6.) Where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so

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borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned, unless with the sanction of the Local Government Board, and shall in no case be extended beyond the period of sixty years from the date of the original loan. 5

Where any urban authority borrow any money for the purpose of defraying private improvement expenses, or expenses in respect of which they have determined a part only of the district to be liable, it shall be the duty of such authority, as between the ratepayers of the district, to make good, so far as they can, the money so borrowed, as occasion requires, either out of private improvement rates, or out of a rate levied in such part of the district as aforesaid. 10

Power to borrow on credit of sewage land and plant. P. H. (I.), s. 41. P. H. (E.), s. 235.

237. Where any sanitary authority are possessed of any land, works, or other property for the purposes of disposal of sewage pursuant to this Act, they may borrow any moneys on the credit of such lands, works, or other property, and may mortgage such lands, works, or other property to any person advancing such moneys, in the same manner in all respects as if they were the absolute owner, both at law and in equity, of the lands, works, or other property so mortgaged. The moneys so borrowed shall be applied for purposes for which moneys may be borrowed under this Act; but it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for any misapplication thereof. 15 20 25

The powers of borrowing conferred by this section shall, where the sums borrowed do not exceed three fourths of the purchase money of such lands (but not otherwise), be deemed to be distinct from and in addition to the general borrowing powers conferred on a sanitary authority by this Act. Any sanitary authority may pay out of any rates leviable by them for purposes of this Act any instalments of principal and the interest on any moneys borrowed by such authority in pursuance of this section. 30

Form of mortgage. P. H. (I.), s. 40. P. H. (E.), s. 236.

238. Every mortgage authorised to be made under this Act shall be by deed, truly stating the date, consideration, and the time and place of payment, and shall be sealed with the common seal of the sanitary authority, and may be made according to the form contained in the schedule (B.) to this Act, or to the like effect. 35

Register of mortgages. P. H. (I.), s. 40. P. H. (E.), s. 237.

239. There shall be kept at the office of the sanitary authority a register of the mortgages on each rate, and within fourteen days after the date of any mortgage an entry shall be made in the register of the number and date thereof, and of the names and 40

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description of the parties thereto, as stated in the deed. Every such register shall be open to public inspection during office hours at the said office, without fee or reward; and any clerk or other person having the custody of the same, refusing to allow such inspection, shall be liable to a penalty not exceeding *five pounds*.

240. Any mortgagee or other person entitled to any mortgage under this Act may transfer his estate and interest therein to any other person by deed duly stamped, truly stating its date and the consideration for the transfer; and such transfers may be according to the form contained in the schedule (B.) to this Act, or to the like effect.

Transfer of mortgages.
P. H. (I.),
s. 40.
P. H. (E.),
s. 238.

There shall be kept at the office of the sanitary authority a register of the transfers of mortgage charged on each rate, and within thirty days after the date of such deed of transfer, if executed within the United Kingdom, or within thirty days after its arrival in the United Kingdom, if executed elsewhere, the same shall be produced to the clerk of the sanitary authority, who shall, on payment of a sum not exceeding *five shillings*, cause an entry to be made in such register of its date, and of the names and description of the parties thereto, as stated in the transfer; and until such entry is made the sanitary authority shall not be in any manner responsible to the transferee.

On the registration of any transfer the transferee, his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby; and any transferee may in like manner transfer his estate and interest in any such mortgage; and no person except the last transferee, his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

If the clerk of the sanitary authority wilfully neglects or refuses to make in the register any entry by this section required to be made, he shall be liable to a penalty not exceeding *twenty pounds*.

241. If at the expiration of *six months* from the time when any principal money or interest has become due on any mortgage of rates made under this Act, and after demand in writing, the same is not paid, the mortgagee or other person entitled thereto may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to a court of summary jurisdiction; and such court may, after hearing the parties, appoint in writing under their hands and seals some person to collect and receive the whole or a competent part of the rates liable to the payment of the principal

Receiver may be appointed in certain cases.
P. H. (E.),
s. 239.

A.D. 1877. — or interest in respect of which the application is made, until such principal or interest, or both, as the case may be, together with the costs of the application and of collection, are fully paid.

On such appointment being made all such rates, or such competent part thereof as aforesaid, shall be paid to the person appointed, and when so paid shall be so much money received by or to the use of the mortgagee or mortgagees of such rates, and shall be rateably apportioned between them :

Provided that no such application shall be entertained unless the sum or sums due and owing to the applicant amount to *one thousand pounds*, or unless a joint application is made by two or more mortgagees or other persons to whom there may be due, after such lapse of time and demand as last aforesaid, moneys collectively amounting to that sum.

Rentcharge
may be
granted in
respect of
advances
made for
private im-
provements.
P. H. (E.),
s. 240.

242. Where any person has advanced money for any expenses which by this Act are, or by the sanitary authority may be declared to be private improvement expenses, the sanitary authority, on being satisfied by the report of a competent person or otherwise that the money advanced by such person has been duly expended, may issue a grant in the form in the schedule (B.) to this Act to such person of a yearly rentcharge issuable out of the premises, in respect whereof such advance has been made, or out of such part thereof, to be specified in such grant, as the sanitary authority may think proper and sufficient.

Such rentcharge shall be personal estate, and shall begin to accrue from the day of completion of the works on which the money advanced has been expended, and shall be payable by equal half-yearly payments during a term not exceeding *thirty years*, in such manner that the whole of the sum advanced, with the costs of preparing the said grant, together with interest thereon respectively, at a rate not exceeding *six pounds per centum per annum* on the sum from time to time remaining unpaid, shall be repaid at the end of the said term.

The provisions of this Act with respect to deduction from the rent of a proportion of private improvement rates, and with respect to redemption of private improvement rates, shall, *mutatis mutandis*, apply to rentcharges granted under this section.

Rentcharges
may be
registered.
P. H. (E.),
s. 241.

243. Rentcharges issued in pursuance of this Act, and transfers thereof, shall be registered in the same manner respectively as mortgages and transfers are required to be registered under the provisions of this Act.

244. The Commissioners of Public Works in Ireland may, with the consent of the Commissioners of Her Majesty's Treasury, on the application of any sanitary authority and on the recommendation of the Local Government Board, make any loan to such authority in pursuance of any powers of borrowing conferred by this Act, whether for works already executed or yet to be executed, on the security of any fund or rate applicable to any of the purposes of this Act, and without requiring any further or other security, such loan to be repaid within a period not exceeding *fifty years*, and to bear interest at the rate of *three and a half per centum* per annum, or such other rate as may, in the judgment of the Commissioners of Her Majesty's Treasury, be necessary, in order to enable the loan to be made without loss to the Exchequer :

A.D. 1877.

Power of Commissioners of Public Works to lend to sanitary authority on recommendation of Local Government Board.
P. H. (E.), s. 243.
P. H. (I.), s. 43.

Provided that in determining the time when a loan under this section shall be repayable, the Commissioners of Public Works in Ireland shall have regard to the probable duration and continuing utility of the works in respect of which the same is required.

In the case of a loan made before the passing of the Public Health (Ireland) Act, 1874, to any sanitary authority in pursuance of any powers conferred by the Sanitary Acts, the Commissioners of Public Works in Ireland may reduce the interest payable thereon to a rate of not less than *three and a half per centum* per annum.

245. Joint boards under this Act, and any joint sewerage board constituted under any of the Sanitary Acts and existing at the time of the passing of this Act shall, for the purposes of their constitution, have like powers of borrowing on the credit of any fund or rate applicable by them to purposes of this Act or on the credit of sewage land and plant as are by this Act conferred on sanitary authorities, and in the exercise of those powers shall be subject to the like restrictions ; and the Commissioners of Public Works in Ireland may make any loan to any of the above-mentioned authorities which they may make to a sanitary authority under this Act.

Borrowing powers of joint boards and certain other authorities.
P. H. (I.), s. 23.
P. H. (E.), s. 244.

AUDIT OF ACCOUNTS.

246. The accounts of every sanitary authority shall be made up in such form and to such day or days in every year as may be appointed by the Local Government Board in each case. The accounts of a sanitary authority shall be audited by such auditor of the accounts relating to the relief of the poor as the Local Government Board shall appoint for the purpose. An auditor shall, with

Audit of accounts.
P. H. (I.), s. 49.

A.D. 1877. — respect to the accounts of sanitary authorities under this section, have the like powers, and be subject to the like obligations in every respect, as in case of the audit under the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) Act, 1872, and any person aggrieved by the decision of the auditor 5 shall have the like rights and remedies as in the case of such last-mentioned audit.

PART VI.

LEGAL PROCEEDINGS.

PROSECUTION OF OFFENCES AND RECOVERY OF PENALTIES, &c. 10

Summary proceedings for offences, penalties, &c. P. H. (E.), s. 251.

247. All Offences under this Act, and all penalties, forfeitures, costs, and expenses under this Act directed to be recovered in a summary manner, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction. 15 The court of summary jurisdiction, when hearing and determining an information or complaint under this Act, shall be constituted of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act 20 authorised to be done by more than one justice of the peace sitting at some court or other place appointed for the administration of justice.

General provisions as to summary proceedings. P. H. (E.), s. 252.

248. Any complaint or information made or laid in pursuance of this Act shall be made or laid within *six months* from the time when 25 the matter of such complaint or information respectively arose.

The description of any offence under this Act in the words of this Act shall be sufficient in law.

Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence 30 in this Act, may be proved by the defendant, but need not be specified or negatived in the information; and, if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

Restriction on recovery of penalties. P. H. (E.), s. 253.

249. Proceedings for the recovery of any penalty under this Act 35 shall not, except as in this Act is expressly provided, be had or taken by any person other than by a party aggrieved, or by the sanitary authority of the district in which the offence is committed, without the consent in writing of the Attorney General for Ireland:

Provided that such consent shall not be required to proceedings A.D. 1877.
 which are by the provisions of this Act relating to nuisances or
 offensive trades authorised to be taken by a sanitary authority in
 respect of any act or default committed or taking place without their
 5 district, or in respect of any house, building, manufactory, or place
 situated without their district.

250. Where the application of a penalty under this Act is not otherwise provided for, one half thereof shall go to the informer, and the remainder to the sanitary authority of the district in which
 10 the offence was committed: Provided, that if the sanitary authority is the informer they shall be entitled to the whole of the penalty recovered; and all penalties or sums recovered by them on account of any penalty shall be paid over to their treasurer, and shall by him be carried to the account of the fund applicable by such
 15 authority to the general purposes of this Act.

Application
 of penalties.
 P. H. (E.),
 s. 254.

251. Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, it shall be lawful for the sanitary authority or other complainant to institute proceedings against any one of such persons, or to include
 20 all or any two or more of such persons in one proceeding; and any one or more of such persons may be ordered to abate such nuisance, so far as the same appears to the court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which, in the opinion
 25 of such court, contribute to such nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance; and the costs may be distributed as to such court may appear fair and reasonable.

Proceedings in certain cases against nuisances.
 N.R., 1855, ss. 33, 34, 39.
 P. H. (E.), s. 255.

30 Proceedings against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

Whenever in any proceeding under the provisions of this Act
 35 relating to nuisances, whether written or otherwise, it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description.

40 Nothing in this section shall prevent persons proceeded against from recovering contribution in any case in which they would now be entitled to contribution by law.

A.D. 1877.

Summary
proceedings
for recovery
of rates.
P.H. (E.),
s. 256.

252. If any person assessed to any rate made under this Act by any urban authority fails to pay the same when due and for the space of fourteen days after the same has been lawfully demanded in writing, or if any person quits or is about to quit any premises without payment of any such rate then due from him 5 in respect of such premises, and refuses to pay the same after lawful demand thereof in writing, any justice may summon the defaulter to appear before a court of summary jurisdiction to show cause why the rate in arrear should not be paid; and if the defaulter fails to appear, or if no sufficient cause for nonpayment 10 is shown, the court may make an order for payment of the same, and, in default of compliance with such order, may by warrant cause the same to be levied by distress of the goods and chattels of the defaulter.

The costs of the levy of arrears of any rate may be included in 15 the warrant for such levy.

Recovery of
expenses by
sanitary
authority
from owners.
P. H. (E.),
s. 257.

253. Where any sanitary authority have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable under this Act or by any agreement with the sanitary authority, such expenses may be 20 recovered, together with interest at a rate not exceeding *five pounds per centum per annum*, from the date of service of a demand for the same till payment thereof, from any person who is the owner of such premises when the works are completed for which such expenses have been incurred, and until recovery of such 25 expenses and interest the same shall be a charge on the premises in respect of which they were incurred. In all summary proceedings by a sanitary authority for the recovery of expenses incurred by them in works of private improvement, the time within which such proceedings may be taken shall be reckoned from the date of the 30 service of notice of demand.

Where such expenses have been settled and apportioned by the sanitary authority as payable by such owner, such apportionment shall be binding and conclusive on such owner, unless within *three months* from service of notice on him by the sanitary authority, of 35 the amount settled to be due from such owner, he shall by written notice dispute the same.

The sanitary authority may, by order, declare any such expenses to be payable by annual instalments within a period not exceeding *thirty years*, with interest at a rate not exceeding *five pounds per* 40 *centum per annum*, until the whole amount is paid; and any such instalments and interest, or any part thereof, may be recovered in a summary manner from the owner or occupier for the time

being of such premises, and may be deducted from the rent of such premises, in the same proportions as are allowed in the case of private improvement rates under this Act.

254. No justice of the peace shall be deemed incapable of acting in cases arising under this Act by reason of his being a member of any sanitary authority, or by reason of his being as one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to, or to be benefited by any rate or fund out of which any expenses incurred by such authority are under this Act to be defrayed.

255. Any sanitary authority may appear before any court, or in any legal proceeding by their clerk, or by any officer or member authorised generally or in respect of any special proceeding by resolution of such authority, and their clerk, or any officer or member so authorised, shall be at liberty to institute and carry on any proceeding which the sanitary authority is authorised to institute and carry on under this Act.

256. Every officer of a sanitary authority shall attend and assist in any prosecution instituted by such authority on receipt of an order from such authority so to attend : Provided always, that if a medical officer of the sanitary authority shall so attend and assist, he shall be entitled to remuneration from the sanitary authority at such rate as the Local Government Board shall approve, unless it shall have been agreed that the duty of affording such attendance and assistance shall be included in his salary, or that his whole time shall be occupied in the discharge of the duties of his office ; and such payment shall be deemed to be expenses incurred by the sanitary authority under this Act, and may be recovered as part of the costs of the prosecution.

Sanitary officers to attend and assist at prosecution by sanitary authority.

30 **257.** In any proceeding instituted by or against a sanitary author- Name of
ity under this Act it shall not be necessary for the plaintiff to prove sanitary au-
the corporate name of the sanitary authority, or the constitution or thority need
limits of their district : Provided that this section shall not abridge not be
or prejudice the right of any defendant to take or avail himself of proved.
any objection which he might have taken or availed himself of if P. H. (E.)
this Act had not been passed. s. 260.

258. Proceedings for the recovery of demands within the jurisdiction of the civil bill court, which sanitary authorities are empowered to recover in a summary manner, may, at the option of the

[275.] N

Demands below 40*l.* may be recovered civil bill court P. H. (E.), s. 261.

A.D. 1877. sanitary authority, be taken in the civil bill court as if such demands were debts within the cognizance of such court.

Proceedings
not to be
quashed for
want of
form.
P. H. (E.),
s. 262.

259. No rate, order, conviction, or thing made or done or relating to the execution of this Act shall be vacated, quashed, or set aside for want of form, or (unless otherwise expressly provided by this 5 Act) be removed or removable by certiorari, or any other writ or process whatsoever, into any of the superior courts: Provided that nothing in this section shall prevent the removal of any case stated for the opinion of a superior court, or of any rate, order, conviction, or thing to which such special case relates. 10

False evi-
dence punish-
able as per-
jury.
P. H. (E.),
s. 263.

260. Any person who on any examination on oath, under any of the provisions of this Act, wilfully and corruptly gives false evidence shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury.

Notice of
action against
sanitary au-
thority, &c.
P. H. (E.),
s. 264.

261. A writ or process shall not be sued out against or served 15 on any sanitary authority, or any member thereof, or any officer of a sanitary authority, or person acting in his aid, for anything done or intended to be done or omitted to be done under the provisions of this Act, until the expiration of *one month* after notice in writing has been served on such sanitary authority, member, officer, or 20 person, clearly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and on the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served; and unless such notice is proved the 25 jury shall find for the defendant.

Every such action shall be commenced within *six months* next after the accruing of the cause of action, and not afterwards, and shall be tried in the county or place where the cause of action occurred, and not elsewhere. 30

Any person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff, his attorney or agent, at any time within one month after service of such notice, and, in case the same be not accepted, may plead such tender in bar; and in case amends have not been tendered as aforesaid, or in case the 35 amends tendered are insufficient, the defendant may, by leave of the court, at any time before trial, pay into court under plea such sum of money as he may think proper; and if upon issue joined, or upon any plea pleaded for the whole action, the jury find generally for the defendant, or if the plaintiff be non-suited or judgment be 40 given for the defendant, then the defendant shall be entitled to full costs of suit, and have judgment accordingly.

262. No matter or thing done, and no contract entered into by any sanitary authority or joint board, and no matter or thing done by any member of any such authority or by any officer of such authority or other person whomsoever acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by any such authority, member, officer, or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by such authority to the general purposes of this Act.

Provided that nothing in this section shall exempt any member of any such authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such authority, and which such member authorised or joined in authorising.

A.D. 1877.

Protection
of sanitary
authority
and their
officers from
personal
liability.
P. H. (E.),
s. 265.

NOTICES.

263. Every order of the Local Government Board under this Act shall be published in such manner as that Board may direct; and every general order of the Local Government Board made in pursuance of the Poor Law Acts shall be published in the Dublin Gazette, and when so published shall take effect in like manner and shall be of as much force and validity as any general order made and sent in the manner prescribed by the last-mentioned Acts, and no further proceeding shall be necessary in such behalf; and as regards any single order of the said Board made in pursuance of the said last-mentioned Acts it shall not be necessary henceforth to send a copy thereof to the clerk to the justices of the petty sessions. The production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, and containing the publication of any order of the Local Government Board, shall be conclusive evidence of the making of such order and all such facts and circumstances as were or shall be necessary to authorise the making of such order.

Orders of
the Local
Government
Board, how
to be pub-
lished.

264. Notices, orders, and other such documents under this Act may be in writing or print, or partly in writing and partly in print; and if the same require authentication by the sanitary authority the signature thereof by the clerk to the sanitary authority, or their inspector of nuisances, shall be sufficient authentication.

Notices, &c.
may be
printed or
written.
P. H. (I.),
s. 62.
P. H. (E.),
s. 266.

265. Notices, orders, and any other documents required or authorised to be served under this Act may be served by delivering

Service of
notices.

A.D. 1877. the same to or at the residence of the person to whom they are
 P. H. (E.), respectively addressed, or where addressed to the owner or occupier
 s. 267. of premises, by delivering the same or a true copy thereof to some
 N. R. 1855, person on the premises, or if there is no person on the premises who
 s. 31. can be so served, by fixing the same on some conspicuous part of 5
 the premises; they may also be served by post by prepaid letter,
 and if served by post shall be deemed to have been served at the
 time when the letter containing the same would be delivered in the
 ordinary course of post, and in proving such service it shall be
 sufficient to prove that the notice, order, or other document was 10
 properly addressed and put into the post.

Any notice by this Act required to be given to the owner or
 occupier of any premises may be addressed by the description of the
 "owner" or "occupier" of the premises (naming them) in respect
 of which the notice is given, without further name or description. 15

APPEAL.

Appeal in
 certain cases
 to Local
 Government
 Board.
 P. H. (E.),
 s. 268.

266. Where any person deems himself aggrieved by the decision
 of the sanitary authority in any case in which the sanitary authority
 are empowered to recover in a summary manner any expenses
 incurred by them, or to declare such expenses to be private 20
 improvement expenses, he may, within *twenty-one days* after notice
 of such decision, address a memorial to the Local Government
 Board stating the grounds of his complaint, and shall deliver a
 copy thereof to the sanitary authority; the Local Government
 Board may make such order in the matter as to the said Board may 25
 seem equitable, and the order so made shall be binding and
 conclusive on all parties; provided that if such order should repeal,
 in whole or in part, the decision appealed against, the Local Govern-
 ment Board, before making such order, shall afford to the sanitary
 authority opportunity of giving such evidence as it may desire in 30
 support of its decision.

Any proceedings that may have been commenced for the recovery
 of such expenses by the sanitary authority shall, on the delivery to
 them of such copy as aforesaid, be stayed; and the Local Govern-
 ment Board may, if it thinks fit, by its order direct the sanitary 35
 authority to pay to the person so proceeded against such sum as the
 said Board may consider to be a just compensation for the loss,
 damage, or grievance thereby sustained by him.

Appeal to
 quarter
 sessions.
 P. H. (E.),
 s. 269.

267. Where any person deems himself aggrieved by any
 rate made under the provisions of this Act, or by any order, 40
 conviction, judgment, or determination of or by any matter or

thing done by any court of summary jurisdiction, such person may appeal therefrom, subject to the conditions and regulations following: A.D. 1877.
P. H. (E.)
s. 306.

- 5 (1.) The appeal shall be made to the next court of quarter sessions for the county, division, or place in which the cause of appeal has arisen, holden not less than twenty-one days after the demand of the rate or the decision of the court from which the appeal is made :
- 10 (2.) The appellant shall, within fourteen days after the cause of appeal has arisen, give notice to the other party and to the authority or court of summary jurisdiction by whose act he deems himself aggrieved, of his intention to appeal and of the ground thereof :
- 15 (3.) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise
- 20 as the justice may allow :
- (4.) Where the appellant is in custody the justice may, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody :
- 25 (5.) On appeals under this Act against any rate—
The chairman of the court before whom such appeal shall be brought shall have power to hear and finally determine the matter of any appeal brought before him under this Act, and shall make such order therein as to him shall seem meet, which order shall be final and
- 30 conclusive upon all parties ; and he shall have power to order the name of any person interested or concerned in the event of such appeal, and having had notice thereof, as herein is provided, to be inserted in such rate, and to be rated at such sum or sums of money, or to order the
- 35 name of any such person to be struck out of such rate, or the sum or sums at which any such person is rated therein to be altered, as the said chairman shall think right :
Provided always, that the chairman to whom such appeal shall be made shall not examine or inquire into any other
- 40 cause or ground of appeal than such as is stated and specified in the notice of appeal, nor alter any such rate with respect to other persons or matter than are mentioned and

A.D. 1877.

specified in the notice of appeal ; but if upon an appeal from the whole of any rate it shall be found necessary to quash or set aside the same, the chairman shall quash the same, and shall in that case order the sanitary authority to make a new rate, and they are hereby required to make 5 the same accordingly.

If upon the hearing of any appeal from any rate under this Act, the chairman shall order the name of any person to be struck out of such rate, or the sum or sums rated on any person to be decreased or lowered, and if it shall 10 be made to appear to the chairman that such person hath previously to the hearing of such appeal paid any sum or sums of money in consequence of such rate which he ought not to have been charged with, then and in every such case the chairman shall order all and every such 15 sum and sums of money to be repaid by the said sanitary authority, together with all reasonable costs, charges, and expenses occasioned by such person having been required to pay the same, to be recovered as penalties and forfeitures under this Act, in virtue of the provisions of 20 which such rate shall have been made.

The person so appealing shall give or cause to be given at least *fourteen days* notice in writing of his or their intention of appealing as aforesaid, and of the matter or cause thereof, to the clerk of the sanitary authority, and 25 the chairman upon the hearing of such appeal shall not examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal ; and if any person shall appeal against a rate because any other person is rated therein at any greater or 30 less sum than the net annual value of the hereditaments in respect of which such other person shall be rated, or for any cause that shall require any alteration to be made in such rates with respect to any other person, then and in every such case the person so appealing shall give such 35 notice of appeal as aforesaid not only to the said clerk, but also to every other person so interested or concerned in the event of such appeal, and every such other person shall if he so desire be heard upon such appeal.

Notwithstanding any such appeal or notice thereof, every 40 rate shall be payable and shall be levied as if no appeal had been made until such rate shall be actually quashed or amended.

The chairman, upon hearing and finally determining the matter of any appeal, shall and may, according to his discretion, award such cost to the party appealing or appealed against as he shall think proper; and his determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever: A.D. 1877.

(6.) In the case of other appeals the court of appeal may, if it thinks fit, adjourn the appeal, and on the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just:

(7.) The decision of the court of appeal shall be binding on all parties: Provided that the court of appeal may, if such court thinks fit, state the facts specially for the determination of a superior court.

20

PART VII.

MISCELLANEOUS PROVISIONS.

268. Any payment to any member of a sanitary authority or burial board for acting as counsel, solicitor, attorney, or agent for such authority or board shall be illegal; and if any member of any such authority or board shall so act, or shall accept or hold any office or place of profit under such authority or board of which he is a member, or shall in any manner directly or indirectly be concerned in any bargain or contract entered into by or on behalf of such authority or board, or participate in the profits thereof, then and in every such case such person shall cease to be a member of such authority or board, and his office as such shall thereupon become vacant. Payments to members of sanitary authority as counsel illegal. P. H. (I.), s. 38.

269. Whenever it becomes necessary for a sanitary authority or any of their officers to enter, examine, or lay open, any lands or premises for the purpose of making plans, surveying, measuring, taking levels, making, keeping in repair, or examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries, and the owner or occupier of such lands or premises refuses to permit the same to be entered upon, examined, or laid Entry on lands for purposes of Act. S. U., 1865, s. 5. P. H. (E.), s. 305.

A.D. 1877. open, for the purposes aforesaid or any of them, the sanitary authority may, after written notice to such owner or occupier, apply to a court of summary jurisdiction for an order authorising the sanitary authority to enter, examine, and lay open, the said lands and premises for the purposes aforesaid or any of them. 5

If no sufficient cause is shown against the application the court may make an order accordingly, and on such order being made the sanitary authority or any of their officers may, at all reasonable times between the hours of nine in the forenoon and six in the afternoon, enter, examine, or lay open, the lands or premises mentioned in such order, for such of the said purposes as are therein specified, without being subject to any action or molestation for so doing: Provided that, except in case of emergency, no entry shall be made or works commenced under this section unless at least twenty-four hours notice of the intended entry, and of the object thereof, be given to the occupier of the premises intended to be entered. 10 15

Penalty on obstructing execution of Act.

N. R., 1855, ss. 36, 37.
P. H. (E.), s. 306.

270. Any person who wilfully obstructs any member of the sanitary authority, or any person duly employed in the execution of this Act, or who destroys, pulls down, injures, or defaces any board on which any byelaw, notice, or other matter is inscribed, shall, if the same was put up by authority of the Local Government Board or of the sanitary authority, be liable for every such offence to a penalty not exceeding *five pounds*. 20

Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provisions of this Act, any justice to whom application is made in this behalf shall, by order in writing, require such occupier to permit the execution of any works required to be executed, provided that the same appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within *twenty-four hours* after the making of the order such occupier fails to comply therewith, he shall be liable to a penalty not exceeding *five pounds* for every day during the continuance of such non-compliance. 25 30

If the occupier of any premises, when requested by or on behalf of the sanitary authority to state the name of the owner of the premises occupied by him, refuses or wilfully omits to disclose or wilfully mis-states the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding *five pounds*. 35 40

Penalty on damaging works, &c.

271. Any person who wilfully damages any works or property belonging to any sanitary authority shall, in cases where no other

penalty is provided by this Act, be liable to a penalty not exceeding *five pounds*.

of sanitary
authority.
S. A., 1866,
s. 45.
P. H. (E.),
s. 307.

272. Where any person sustains any damage by reason of the exercise of any of the powers of this Act, in relation to any matter
5 as to which he is not himself in default, full compensation shall be made to such person by the sanitary authority exercising such powers; and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration in manner provided by this Act, or if the compensation claimed does not exceed the
10 sum of *twenty pounds*, the same may at the option of either party be ascertained by and recovered before a court of summary jurisdiction.

Compensation in case of damage by sanitary authority.
S. U., 1855, s. 8.
P. H. (E.), s. 308.

273. If any officer of any body by this Act constituted the sanitary authority of any district is, by or in pursuance of this Act
15 or of any provisional order made under the authority of this Act, removed from his office or deprived of the whole or part of the emoluments of his office, and is not employed in an office of equal value, and with equal privileges, by such sanitary authority, the Local Government Board may by order award to such officer such
20 compensation as the said Board may think just; and such compensation may be by way of annuity or otherwise, and shall be paid by the authority of the sanitary district in which such officer held his office out of the rates applicable to sanitary purposes within that district.

Compensation to officers in certain cases.
P. H. (I.), s. 32.

274. Where in any Local Act the consent, sanction, or confirmation of the Lord Lieutenant, the chief secretary of the Lord
25 Lieutenant, or the Privy Council is required with respect to the borrowing of any money, to the giving effect to any byelaws, or to the appointment of any officer for sanitary purposes, the consent
30 sanction, or confirmation of the Local Government Board shall, after the passing of this Act, be required instead of that of the authorities above named.

As to consent of Local Government Board required in certain cases.
P. H. (I.), s. 33.

The consent of the Local Government Board, and not that of the Treasury, shall be required to the borrowing of money for the
35 purposes of the Baths and Washhouses Acts.

The powers vested in or exerciseable by one of Her Majesty's Principal Secretaries of State under the Markets and Fairs Clauses Act, 1847, so far as the same relate to Ireland, are hereby transferred to the Local Government Board, and may in Ireland be
40 exercised by the Local Government Board.

A.D. 1877. If any question arises as to what are sanitary purposes within the meaning of this section, the determination of the Local Government Board on such question shall be conclusive.

Settlement
of differences
arising out
of transfer
of powers or
property to
sanitary
authority.
P. H. (I.),
s. 35.

275. Upon the application of any authority from whom or to whom any powers, rights, duties, capacities, liabilities, obligations, 5 and property, or any of them, are transferred or alleged or claimed to be transferred in pursuance of the Sanitary Acts or this Act, upon the passing of this Act, or at any time thereafter by the operation of this Act, or of any provisional order made under the authority of this Act, or of any person affected by such transfer, the Local 10 Government Board may by order settle any doubt or difference and adjust any accounts arising out of or incidental to such powers, rights, duties, capacities, liabilities, obligations, or property, or to the transfer thereof, and direct the parties by whom and to whom any moneys found to be due are to be paid, and the mode of raising 15 such moneys; and any provisions contained in any order so made shall be deemed to have been made in pursuance of and to be within the powers conferred by this section, subject to this proviso, that where any such order directs any rate to be made or other act or thing to be done which the party required to make or do would 20 not, apart from the provisions of this Act, have been enabled to make or do by law, such order shall be provisional only until it has been confirmed by Parliament.

As to con-
struction of
incorporated
Acts.
L. G., s. 4.
P. H. (E.),
s. 316.

276. In the construction of the provisions of any Act incorporated with this Act the term "the special Act" includes this Act, 25 and, in the case of the Lands Clauses Acts, any provisional order confirmed by Parliament and authorising the purchase of lands otherwise than by agreement under this Act; the term "the limits of the special Act" means the limits of the district; and the urban or rural authority shall be deemed to be "the promoters of the 30 undertaking," "the commissioners," or "the undertakers," as the case may be.

All penalties incurred under the provisions of any Act incorporated with this Act shall be recovered and applied in the same way as penalties incurred under this Act. 35

Construction
of schedules.

277. The schedules to this Act shall be read and have effect as part of this Act.

The forms contained in schedule C. to this Act, or forms to the like effect, varied as circumstances may require, may be used and shall be sufficient for all purposes. 40

PART VIII.

A.D. 1877.

SAVING CLAUSES AND REPEAL OF ACTS.

SAVING CLAUSES.

278. All urban sanitary authorities and rural sanitary authorities
 5 existing at the time of the passing of this Act shall be deemed to be
 urban authorities and rural authorities under this Act; and all
 joint boards and committees of rural sanitary authorities existing
 at the time of the passing of this Act, shall be deemed to be
 joint boards and committees of rural sanitary authorities under this
 10 Act; and the members of all the above-mentioned bodies shall hold
 office for such time as they would respectively have held office if this
 Act had not been passed; and the officers and servants of all the
 above-mentioned bodies shall continue to hold their several offices and
 employments on the same terms and subject to the same conditions, as
 15 to duties remuneration and otherwise, as they would have held them if
 this Act had not been passed; and all byelaws duly made under any
 of the Sanitary Acts by this Act repealed and not inconsistent with
 any of the provisions of this Act shall be deemed to be byelaws under
 this Act; and all the provisions of this Act shall apply to all such
 20 bodies existing at the time of the passing of this Act, and to their
 several officers and servants, in substitution for the provisions of
 the Sanitary Acts by this Act repealed, but so as not to affect any
 right acquired or liability incurred under the Sanitary Acts, or any
 of them, before the passing of this Act, and existing at the time of
 25 the passing of this Act.

Provision
 as to the
 sanitary
 authorities
 existing at
 the passing
 of this Act
 and their
 officers, &c.
 P. H. (E.),
 s. 326.

279. Nothing in this Act shall be construed to authorise any
 sanitary authority—

Saving for
 works and
 property of
 certain
 authorities,
 and for na-
 vigation
 and water
 rights, &c.
 P. H. (E.),
 s. 327.

- (1.) To use, injure or interfere with any sluices, floodgates,
 30 sewers, groynes or sea defences or other works, already
 or hereafter made under the authority of any commis-
 sioners of sewers appointed by the Crown, or any sewers
 or other works already or hereafter made and used by any
 body of persons or person for the purpose of draining
 preserving or improving land under any local or private
 35 Act of Parliament, or for the purpose of irrigating land;
 or
 (2.) To disturb or interfere with any lands or other property
 vested in the Lord High Admiral of the United Kingdom
 or the Commissioners for executing the office of the Lord
 40 High Admiral for the time being or in Her Majesty's
 Principal Secretary of State for the War Department for
 the time being; or

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- (3.) To interfere with any river, canal, dock, harbour, lock, reservoir or basin, so as to injuriously affect the navigation thereon, or the use thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any body of persons or person are or is by virtue of any Act of Parliament entitled to navigate on or use such river, canal, dock, harbour, lock, reservoir or basin, or to receive any tolls or dues in respect of the navigation thereon or use thereof; or 5
- (4.) To interfere with any watercourse in such manner as to injuriously affect the supply of water to any river, canal, dock, harbour, reservoir or basin, in cases where any such body of persons or person as last aforesaid would, if this Act had not passed, have been entitled by law to prevent or be relieved against such interference; or 15
- (5.) To interfere with any bridges crossing any river, canal, dock, harbour or basin, in cases where any body of persons or person are or is authorised by virtue of any Act of Parliament to navigate or use such river, canal, dock, harbour or basin, or to demand any tolls or dues in respect of the navigation thereon or use thereof; or 20
- (6.) To execute any works in through or under any wharves, quays, docks, harbours or basins, to the exclusive use of which any body of persons or person are or is entitled by virtue of any Act of Parliament, or for the use of which any body of persons or person are or is entitled by virtue of any Act of Parliament to demand any tolls or dues,— 25

Without the consent in every case of such Lord High Admiral or Commissioners for executing the office of Lord High Admiral, Secretary of State, commissioners, body of persons or person as are herein-before in that behalf respectively mentioned, such consent to be expressed in writing in the case of a corporation under their common seal, and in the case of any body of persons not being a corporation under the hand of their clerk or other duly authorised officer or agent. And nothing in this Act shall prejudice or affect the rights, privileges, powers, or authorities given or reserved to any person under such local or private Acts for draining preserving or improving land as are in this section mentioned. 30 35

Reference to arbitration in case of works not within preceding section.

280. Where any matters or things proposed to be done by any sanitary authority, and not being within the prohibition aforesaid, interfere with the improvement of any river, canal, dock, harbour, lock, reservoir, basin, or towing-path which any body of persons or 40

person are or is entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the navigation whereon or use whereof to demand any tolls or dues, or interfere with any works belonging to such river, canal, dock, harbour, or basin, or with any

A.D. 1877.

P. H. (E.),
s. 328.

5 land necessary for the enjoyment or improvement thereof, the sanitary authority shall give to such body of persons or person a notice specifying the particulars of the matters and things so intended to be done. If the parties on whom such notice is served do not consent to the requisitions thereof, the matter in difference
10 shall be referred to arbitration; and the following questions shall be decided by such arbitration; (that is to say,)

(1.) Whether the matters or things proposed to be done by the sanitary authority will cause any injury to such river, canal, dock, harbour, basin, towing-path, works, or land,
15 or to the enjoyment or improvement of such river, canal, dock, harbour, or basin as aforesaid :

(2.) Whether any injury that may be caused by such matters or things, or any of them, is or is not of a nature to admit of being fully compensated by money.

20 **281.** The result of any such arbitration shall be final, and the sanitary authority shall do as follows; (that is to say,)

Effect of
arbitration.
P. H. (E.),
s. 329.

(1.) If the arbitrators are of opinion that no injury will be caused, the sanitary authority may forthwith proceed to do the proposed matters and things :

25 (2.) If the arbitrators are of opinion that injury will be caused, but that such injury is of a nature to admit of being fully compensated by money, they shall proceed to assess such compensation; and on payment of the amount so assessed, but not before, the sanitary authority may proceed to do the proposed matters and things :

30 (3.) If the arbitrators are of opinion that injury will be caused, and that it is not of a nature to admit of being fully compensated by money, the sanitary authority shall not proceed to do any matter or thing in respect of which such opinion may be given.

35 **282.** No transfer of powers and privileges under this Act shall deprive any body of persons or person authorised by virtue of any Act of Parliament to navigate on any river or canal, or to demand for their or his own benefit in respect of such navigation any tolls or dues, of such powers and privileges as are vested in them by any
40 Act of Parliament in relation to such river or canal.

Provision as
to transfer of
powers, &c.
P. H. (E.),
s. 330.

A.D. 1877.

Provision as
to alteration
of sewers.
P. H. (E.),
s. 331.

283. Any body of persons or person authorised by virtue of any Act of Parliament to navigate on or use any river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation on such river or canal, or the use of such dock, harbour, or basin, may, at their own expense, and on substituting other 5 sewers, drains, culverts, and pipes equally effectual, and certified as such to the sanitary authority, take up, divert, or alter the level of any sewers, drains, culverts, or pipes constructed by any sanitary authority, and passing under or interfering with such rivers, canals, docks, harbours, or basins, or the towing-paths thereof, and 10 may do all such things as may be necessary for carrying into effect such taking up, diversion, or alteration.

Saving for
water rights
generally.
P. H. (E.),
s. 332.

284. Nothing in this Act shall be construed to authorise any sanitary authority to injuriously affect any reservoir, canal, river, or stream, or the feeders thereof, or the supply, quality, or fall of 15 water contained in any reservoir, canal, river, stream, or in the feeders thereof, in cases where any body of persons or person would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir, canal, river, stream, feeders, or such supply, quality, or fall of water unless 20 the sanitary authority first obtain the consent in writing of the body of persons or person so entitled as aforesaid.

Arbitration
as to altera-
tion of sewers
injuriously
affecting
supply of
water, &c.
P. H. (E.),
s. 333.

285. Any difference of opinion that may arise between a sanitary authority and any such body of persons or person as aforesaid, whether any sewers, drains, culverts, or pipes substituted under 25 the powers of this Act for sewers, drains, culverts, or pipes constructed or laid down by any sanitary authority are equally effectual with those for which they are substituted, or whether the supply, quality, or fall of water in any such reservoir, canal, river, or stream as last aforesaid is injuriously affected by the exercise of powers 30 under this Act, may, at the option of the party complaining, be determined by arbitration in manner by this part of this Act provided. The arbitrators shall decide the same questions as to the alleged injury, and the sanitary authority shall proceed in the same way as is by this Act provided with regard to arbitrations in cases 35 of alleged injury to rivers, canals, docks, harbours, and basins.

Saving for
mines, &c.
P. H. (E.),
s. 334.

286. Nothing in this Act shall be construed to extend to any mines so as to interfere with or to obstruct the efficient working of the same; nor to the smelting of ores and minerals, nor to the calcining, puddling, and rolling of iron and other metals, nor to the 40

conversion of pig iron into wrought iron, so as to obstruct or interfere with any of such processes respectively. A.D. 1877.

287. Any corporate body required or authorised by or in pursuance of any Act of Parliament to divert its sewers or drains from any river, or to construct new sewers, and any public department of the Government, shall have the like powers and be subject to the like obligations under this Act as they had or were subject to under the Sewage Utilization Act, 1867; and for that purpose the provisions of this Act applicable to purposes the same as or similar to those of the Sewage Utilization Act, 1865, and the Sewage Utilization Act, 1867, shall apply in substitution for the last-mentioned provisions.

Saving for corporate bodies and Government departments. P. H. (E.), s. 335.

288. Nothing in this Act shall affect the payment or recovery of any yearly sum payable at the time of the passing of this Act to any sanitary authority in respect of any premises without their district which have a drain communicating with a sewer within their district: Provided that any such sum shall cease to be payable, if and when the connexion between the drain and the sewer is discontinued, from the time of such discontinuance; but if after the discontinuance the connexion is re-established, the yearly sum shall again become payable, and so from time to time.

Saving for payment in certain cases to sanitary authority. P. H. (E.), s. 337.

289. All rates, orders, acts, or things made, assessed, performed, or done, before the passing of this Act, by any authority purporting to act under the powers conferred on them by a local Act with respect to any sanitary purposes shall be valid notwithstanding the passing of the Public Health (Ireland) Act, 1874, or of this Act.

Saving for acts of authorities under certain local Acts. P. H. (E.), s. 338.

290. Where within the district of a sanitary authority any local Act is in force, providing for purposes the same as or similar to the purposes of this Act, proceedings may be instituted at the discretion of the authority or person instituting the same, either under the local Act or this Act, or under both, subject to these qualifications:

Saving for proceedings under local Acts. P. H. (E.), s. 340.

(1.) That no person shall be punished for the same offence both under a local Act and this Act; and

(2.) That the sanitary authority shall not, by reason of any local Act in force within their district, be exempted from the performance of any duty or obligation to which they may be subject under this Act.

A.D. 1877.
Powers of
Act to be
cumulative.
P. H. (E.),
s. 341.

291. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall exempt any person from any penalty to 5 which he would have been subject if this Act had not passed.

Provided that no person who has been adjudged to pay any penalty in pursuance of this Act shall for the same offence be liable to a penalty under any other Act.

REPEAL OF ACTS.

10

Repeal of
Acts in
Schedule A.

292. The Acts specified in the first and second columns of Schedule A. to this Act are hereby repealed to the extent in the third column of that schedule mentioned :

Provided also, that this repeal shall not affect—

- (a.) Anything duly done or suffered under any enactment hereby 15 repealed; or
- (b.) Any right or liability acquired, accrued, or incurred under any enactment hereby repealed, or any regulation or order duly made in pursuance of any such enactment; or
- (c.) Any security given under any enactment hereby repealed; 20 or
- (d.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
- (e.) Any investigation, legal proceeding, or remedy in respect of 25 any such right, liability, security, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not been passed.

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SCHEDULES.

SCHEDULE A.

Enactments which have been already repealed are in a few instances included in this repeal, in order to avoid the necessity of reference to previous statutes.

5	Session and Chapter.	Title or Short Title.	Extent of Repeal.
	14 & 15 Vict. c. 28. -	The Common Lodging Houses Act, 1851.	The whole Act, so far as same relates to Ireland.
	16 & 17 Vict. c. 41. -	The Common Lodging Houses Act, 1853.	The whole Act, so far as same relates to Ireland.
10	23 & 24 Vict. c. 26. -	The Common Lodging Houses Act (Ireland), 1860.	The whole Act.
	17 & 18 Vict. c. 103.	The Towns Improvement (Ireland) Act, 1854.	Sections 33, 34, 35, 42, 45, 46, 48, 49, 52, 53, 54.
15	18 & 19 Vict. c. 116. -	The Diseases Prevention Act, 1855.	The whole Act, so far as relates to Ireland.
	18 & 19 Vict. c. 121. -	The Nuisances Removal Act for England, 1855.	The whole Act, so far as relates to Ireland.
	23 & 24 Vict. c. 77. -	An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.	The whole Act, so far as relates to Ireland.
20			
	19 & 20 Vict. c. 98. -	The Burial Grounds (Ireland) Act, 1856.	The whole Act.
	23 & 24 Vict. c. 76. -	An Act to amend the Burial Grounds (Ireland) Act, 1856.	The whole Act.
25	26 & 27 Vict. c. 117. -	The Nuisance Removal Act for England (Amendment) Act, 1863.	The whole Act, so far as relates to Ireland.
	28 & 29 Vict. c. 75. -	The Sewage Utilization Act, 1865.	The whole Act, so far as relates to Ireland.
30	29 & 30 Vict. c. 41. -	The Nuisances Removal (No. 1.) Act, 1866.	The whole Act, so far as relates to Ireland.
	29 & 30 Vict. c. 90. -	The Sanitary Act, 1866 -	The whole Act, so far as relates to Ireland.
35	30 & 31 Vict. c. 113. -	The Sewage Utilization Act, 1867.	The whole Act, so far as relates to Ireland.
	31 & 32 Vict. c. 115. -	The Sanitary Act, 1868 -	The whole Act, so far as relates to Ireland.
	32 & 33 Vict. c. 100. -	The Sanitary Loans Act, 1869	The whole Act, so far as relates to Ireland.
40	34 & 35 Vict. c. 109. -	The Local Government (Ireland) Act, 1871.	The whole Act except sections 11 to 18, both inclusive, 20, 21, 24 to 27, both inclusive, 29 and 30, and the schedule.
45			
	35 & 36 Vict. c. 69. -	The Local Government Board (Ireland) Act, 1872.	Sections 8 and 9.
	36 & 37 Vict. c. 78. -	The Sanitary Act, 1866, (Ireland) Amendment Act, 1873.	The whole Act.
50	37 & 38 Vict. c. 93. -	The Public Health (Ireland) Act, 1874.	The whole Act.

SCHEDULE B.

A.D. 1877.

FORM .

Form of Mortgage of Rates.

By virtue of the Public Health (Ireland) Act, 1876, we the
being the sanitary authority under that Act for the district of in 5
consideration of the sum of paid to the treasurer of the said district
by *A.B.* of for the purposes of the said Act, do grant and assign
unto the said *A.B.*, his executors, administrators, and assigns, such proportion
of the rates arising or accruing by virtue of the said Act from [*the rates mort-*
gaged] as the said sum of doth or shall bear to the whole sum 10
which is or shall be borrowed on the credit of the said rates, to hold to the
said *A.B.*, his executors, administrators, and assigns, from the day of the date
hereof until the said sum of with interest at the rate of
per centum per annum for the same, shall be fully paid and satisfied: And it
is hereby declared, that the said principal sum shall be repaid on the 15
day of at [*place of payment*]. Dated this day of
one thousand eight hundred and
[*To be sealed with the common seal of the local authority.*]

FORM .

Form of Transfer of Mortgage.

20

I *A.B.* of , in consideration of the sum of paid to me by
C.D. of , do hereby transfer to the said *C.D.*, his executors, admi-
nistrators, and assigns, a certain mortgage, bearing date the day of
and made by the sanitary authority under the Public Health (Ireland) Act,
1876, for the district of for securing the sum of and 25
interest thereon at per centum per annum [*or if such transfer be by*
endorsement on the mortgage, insert, instead of the words immediately following
the word "assigns," the within security], and all my right, estate, and interest
in and to the money hereby secured, and in and to the rates thereby assigned.
In witness whereof I have hereunto set my hand and seal this day of 30
one thousand eight hundred and

A.B. (L.S.)

FORM .

Form of Rentcharge.

By virtue of the Public Health (Ireland) Act, 1876, we the 35
being the sanitary authority under that Act for the district of do
hereby declare and absolutely order that the inheritance of the [*dwelling-house,*
shop, lands, and premises, as the case may be], situated in street

in the parish of _____ within the said district, and now in the occupa- A.D. 1877.
tion of _____, shall be absolutely charged with the sum of _____
pounds, paid by _____ of _____ for the improvement by
drainage and water supply [*as the case may be*] of the same dwelling-house,
5 shop, lands, and premises [*as the case may be*], together with interest for the
same from the date hereof at _____ pounds per centum per annum, until
full payment thereof; and also all costs incurred by the said
his executors, administrators, or assigns, under this security, shall be fully paid
and satisfied: And we hereby further declare that the said principal and
10 interest moneys shall be paid and payable by the owner or occupier of the said
premises to the said _____ his executors, administrators, and assigns, in
manner following; (that is to say,) the interest on such principal sum of
_____ pounds, or on so much thereof as shall from time to time remain
due and payable under this order, shall be paid and payable by equal half-yearly
15 payments whilst payable on the _____ day of _____ and the
_____ day of _____ in every year, the first payment thereof to
be made on the _____ day of _____ next, and such principal sum
of _____ pounds shall be paid and payable by _____ equal
annual instalments on the _____ day of _____ in each of the next
20 succeeding _____ years, towards the discharge of the same principal
sum, until the whole shall be fully satisfied and discharged.
[*To be sealed with the common seal of the sanitary authority.*]

SCHEDULE C.

FORMS.

25

FORM A.

Form of Notice requiring Abatement of Nuisance.

To [*person causing the nuisance, or owner or occupier of the premises whereon the nuisance exists; as the case may be*].

Take notice that under the provisions of the Public Health (Ireland) Act,
30 1877, the [*describe the sanitary authority*], being satisfied of the existence of a
nuisance at [*describe premises or place where the nuisance exists*], arising from
[*describe the cause of nuisance, for instance, want of a privy or drain; or for
further instance, a ditch or drain so foul as to be a nuisance or injurious to
health; or for further instance, swine kept so as to be a nuisance or injurious*
35 to health], do hereby require you within _____ from the service
of this notice to abate the same, and for that purpose to [*state any things required
to be done or works to be executed*].

If you make default in complying with the requisitions of this notice, or if
the said nuisance, though abated, is likely to recur, a summons will be issued
40 requiring your attendance to answer a complaint which will be made to a court
of summary jurisdiction for enforcing the abatement of the nuisance, and pro-

A.D. 1877. hibiting a recurrence thereof, and for recovering the costs and penalties that may be incurred thereby.

Dated this

day of

18 .

Signature of officer of }
sanitary authority }

5

FORM B.

Form of Summons.

Summons.

To the owner or occupier of [describe premises], situated at [insert such a description as may be sufficient to identify the premises], or to A.B. of County of [or borough of &c. or district of or as the case may be] to wit. } You are required to appear before [describe the court of summary jurisdiction], at the petty sessions [or court] holden at on the day of next, at the hour of in the noon, to answer the complaint this day made to me by that in or on the premises above mentioned [or in or on certain premises situated at No. in the street in the parish of or such other description or reference as may be sufficient to identify the premises], in the district, under the Public Health Act (Ireland), 1877, of [describe the sanitary authority], the following nuisance exists [describing it, as the case may be], and that the said nuisance is caused by the act or default of the occupier [or owner] of the said premises, or by you A.B. [or in case the nuisance be discontinued, but likely to be repeated, say, there existed recently, to wit, on or about the day of on the premises, the following nuisance [describe the nuisance], and that the said nuisance was caused [&c.], and although the same has since the said last-mentioned day been abated or discontinued, there is reasonable ground to consider that the same or the like nuisance is likely to recur on the said premises].

this day of 18 .

(Signed)

Justice. 30

FORM C.

Form of Order for Abatement or Prohibition of Nuisance.

To the owner [or occupier] of [describe the premises] situated [give such description as may be sufficient to identify the premises], or to A.B. of

County of [or borough, &c. of or district of or as the case may be]. } WHEREAS on the day of Esquire, one of Her Majesty's justices of the peace acting in and for the county [or other jurisdiction] stated in the margin, [or as the case may be,] by that in or on certain premises situated at in the district under the Public Health Act (Ireland), 1877, of [describe the sanitary authority] the

35

40

A.D. 1877.

following nuisance then existed [*describing it*]; and that the said nuisance was caused by the act or default of the owner [*or occupier*] of the said premises [*or was caused by A.B.*] [*If the nuisance have been removed say, the following nuisance existed on or about [the day the nuisance was ascertained to exist], and*
 5 that the said nuisance was caused, &c., and although the same is now removed, the same or the like nuisance is likely to recur on the same premises.]

And whereas the owner [*or occupier*] within the meaning of the said Public Health Act (Ireland), 1877, [*or the said A.B.,*] hath this day appeared before us [*(or me) describing the court*], to answer the matter
 10 of the said complaint [*or in case the party charged do not appear, say, and whereas it hath been this day proved to our (or my) satisfaction that a true copy of a summons requiring the owner [or occupier] of the said premises [or the said A.B.] to appear this day before us [or me]*] hath been duly served according to this Act.

15 Now on proof here had before us [*or me*] that the nuisance so complained of doth exist on the said premises, and that the same is caused by the act or default of the owner [*or occupier*] of the said premises [*or by the said A.B.,*] we [*or I*], in pursuance of the said Act, do order the said owner [*or occupier or A.B.*] within [*specify the time*] from the service of this order or a true copy
 20 thereof according to the said Act [*here specify any things required to be done or works to be executed, as, for instance, to provide for the cleanly and wholesome keeping of, or, to remove the animal kept so as to be a nuisance or injurious to health; or, for further instance, to cleanse, whitewash, purify, and disinfect the said dwelling-house; or, for further instance, to construct a privy*
 25 *or drain, &c.; or, for further instance, to cleanse or to cover or to fill up the said cesspool, &c.*], so that the same shall no longer be a nuisance or injurious to health as aforesaid.

[*And if it appear to the court that the nuisance is likely to recur on the premises say [And we] [or I] being satisfied that, notwithstanding the said*
 30 *cause or causes of nuisances may be removed under this order, the same is or are likely to recur, do therefore prohibit the said owner [or occupier, or A.B.,] from [here insert the matter of the prohibition, as, for instance,] from using the said house or building for human habitation until the same, in our [or my] judgment, is rendered fit for that purpose.*]

35 *In case the nuisance were removed before complaint, say, Now, on proof here had before us [or me] that at or recently before the time of making the said complaint, to wit, on* as aforesaid, the cause of nuisance complained of did exist on the said premises, but that the same hath since been removed, yet, notwithstanding such removal, we [*or I*], being satisfied
 40 that it is likely that the same or the like nuisance will recur on the said premises, do hereby prohibit [*order of prohibition*]; and if this order of prohibition be infringed, then we [*or I*] [*order on sanitary authority to do works*].

Given under the hands of us, [*or the hand of me, describing the court*].

45 This day of 18 .
 J.S.
 J.P.

A.D. 1877.

FORM D.

Form of Order for Abatement of Nuisance by Sanitary Authority.

To the town council, &c., as the case may be.

County, &c. } WHEREAS [recite complaint of nuisance as in last form].
to wit.

And whereas it hath been now proved to our [or my] satisfaction that such 5
nuisance exists, but that no owner or occupier of the premises, or person
causing the nuisance, is known or can be found [as the case may be]; Now we
[or I], in pursuance of the said Act, do order the said [sanitary authority,
naming it,] forthwith to [here specify the works to be done].

Given, &c. (as in last form).

10

FORM E.

Form of Order to permit Execution of Works by Owner.

County of } WHEREAS complaint hath been made to me, E.F. Esquire,
[or borough, &c.,] one of Her Majesty's justices of the peace in and for the
to wit. } county [or borough, &c. of by A.B., owner, within 15
the meaning of the Public Health Act (Ireland), 1877, of certain premises [de-
scribe situation of premises so as to identify them], that C.D., the occupier of the
said premises, doth prevent the said A.B. from obeying and carrying into effect
the provisions of the said Act in this, to wit, that he the said C.D. doth
prevent the said A.B. from [here describe the works generally, according to 20
circumstances, for instance, thus: constructing and laying down, in connexion
with the said house, a covered drain, so as to communicate with a sewer, which
the sanitary authority under the said Act of the district of are entitled
to use, such sewer being within one hundred feet of the said premises]: And
whereas the said C.D., having been duly summoned to answer the said com- 25
plaint, and not having shown sufficient cause against the same, and it appearing
to me that the said works are necessary for the purpose of enabling the said
A.B. to obey and carry into effect the provisions of the said Act, I do hereby
order that the said C.D. do permit the said A.B. to execute the same in the
manner required by the said Act. 30

Given under my hand, this day of 18 .
J.S.

FORM F.

Order of Justice for Admission of Officer of Sanitary Authority.

WHEREAS [describe the sanitary authority] have by their officer [naming him] 35
made application to me, A.B., one of Her Majesty's justices of the peace having
jurisdiction in and for [describe the place], and the said officer has made oath
to me that demand has been made pursuant to the provisions of the Public
Health Act (Ireland), 1877, for admission to [describe situation of premises so

as to identify them], for the purpose of [*describe the purpose, as the case may be*], A.D. 1877.
and that such demand has been refused.

Now, therefore, I the said *A.B.* do hereby require you [*name the person having custody of the premises*], to admit the said [*name the sanitary authority*],
5 [or the officer of the said *sanitary authority*], to the said premises, for the purpose aforesaid.

Given, &c. (*as in last form*).

Public Health (Ireland)

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To consolidate and amend the Acts
relating to Public Health in Ireland

*(Prepared and brought in by
Sir Michael Hicks-Beach and
Mr. Attorney-General for Ireland.)*

*Ordered, by The House of Commons, to be Printed
2 August 1877.*

[Bill 275.]

Under 17 oz.

Public Health (Metropolis) Bill.

ARRANGEMENT OF CLAUSES.

PART I.

PRELIMINARY.

Clause.

1. Short title.
 2. Definitions.
 3. Extent of Act.
 4. Execution of Act.
 5. Appointment of committees.
 6. Expenses of execution of Act.
 7. Expenses of Metropolitan Board of Works.
-

PART II.

SANITARY PROVISIONS.

Nuisances.

8. Definition of nuisances.
9. Duty of local authority to inspect district for detection of nuisances.
10. Information of nuisances to local authority.
11. Local authority to serve notice requiring abatement of nuisance.
12. On non-compliance with notice, complaint to be made to justice.
13. Power of court of summary jurisdiction to make order dealing with nuisance.
14. Order of prohibition in case of house unfit for human habitation.
15. Penalty for contravention of order of Court.
16. Appeal against order.
17. In certain cases order may be addressed to local authority.
18. Power to sell manure, &c.
19. Power of entry of local authority.

[Bill 187.]

a

Clause.

20. Costs and expenses of execution of provisions relating to nuisances.
21. Power of individual to complain to justice of nuisance.
22. Power of officer of police to proceed in certain cases against nuisances.
23. Local authority may take proceedings in High Court of Justice for abatement of nuisances.
24. Power to proceed where cause of nuisance arises without district.
25. Periodical removal of manure from mews and other premises.
26. Provisions of Act relating to nuisances not to affect other remedies.

Offensive Trades.

27. Duty of local authority to complain to justice of nuisance arising from offensive trade.
28. Power to proceed where nuisance arises from offensive trade carried on without district.

Unsound Meat, &c.

29. Power of medical officer of health to inspect meat, &c.
30. Power of court to order destruction of unsound meat, &c.
31. Penalty for hindering officer from inspecting meat, &c.
32. Search warrant may be granted by a justice.

Provisions as to Water.

33. Vesting of public wells, &c. in local authority.
34. Penalty for causing water to be corrupted by gas washings.
35. Penalty for fouling water.
36. Power to close polluted wells, &c.

Byelaws as to Houses let in Lodgings.

37. Local Government Board may empower local authority to make byelaws as to lodging-houses.

Infectious Diseases.

38. Duty of local authority to cause premises to be cleansed and disinfected.

Clause.

39. Destruction of infected bedding, &c.
40. Provision of means of disinfection.
41. Provision of conveyance for infected persons.
42. Removal of infected persons without proper lodging to hospital by order of justice.
43. Removal to hospital of infected persons brought by ships.
44. Penalty on exposure of infected persons and things.
45. Penalty on failing to provide for disinfection of public conveyance.
46. Penalty on letting houses in which infected persons have been lodging.
47. Penalty on persons letting houses making false statements as to infectious disease.
48. Power of Local Government Board to make regulations.

Special Regulations in case of Epidemic Diseases.

49. Power of Local Government Board to make regulations for prevention of diseases.
50. Publication of regulations and orders.
51. Local authority to see to the execution of regulations.
52. Power of entry.
53. Poor law medical officers entitled to costs of attendance on board vessels.
54. Local Government Board may combine local authorities.
55. Penalty for violating or obstructing the execution of regulations.

Hospitals.

56. Power of local authority to provide hospitals.
57. Recovery of cost of maintenance of patient in hospital.
58. Power to provide temporary supply of medicine.
59. Power to combine authorities for providing hospitals.
60. Management by joint committee of hospital provided by two or more authorities.
61. Expenses of joint committee.
62. Supplemental provisions as to joint committee.

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Clause.

- 63. Power to borrow for purpose of providing hospitals.
- 64. Power for managers of metropolitan asylum districts to contract for reception of persons suffering from infectious disease.

Mortuaries, &c.

- 65. Power of local authorities to provide mortuaries.
- 66. Justice may in certain cases order removal of dead body to mortuary.
- 67. Power of local authority to provide places for post-mortem examinations.

Byelaws as to Foundations of Buildings.

- 68. Power to make byelaws as to foundations of houses.

Byelaws for regulation of Dairies and Cowsheds.

- 69. Power to make byelaws as to dairies and cowsheds.

PART III.

GENERAL PROVISIONS.

Prosecution of Offences and Recovery of Penalties, &c.

- 70. Summary proceedings for offences, penalties, &c.
- 71. General provisions as to summary proceedings.
- 72. Restriction on recovery of penalties.
- 73. Application of penalties.
- 74. Proceedings in certain cases against nuisances.
- 75. Justices may act though members of local authority or liable to contribute.
- 76. Appearance of local authorities in legal proceedings.
- 77. Name of local authority need not be proved.
- 78. Demands below 50*l.* may be recovered in county courts.
- 79. Proceedings not to be quashed for want of form.
- 80. False evidence punishable as perjury.
- 81. Protection of local authority and their officers from personal liability.

Notices.

Clause.

- 82. Notices, &c. may be printed or written.
- 83. Service of notices.

Appeal.

- 84. Appeal to quarter sessions.

*Power of Local Government Board to enforce Performance of
Duty by defaulting Local Authority.*

- 85. Proceedings on complaint to Board of default of local authority.
- 86. Further provision for recovery of expenses.
- 87. Power of Board to borrow to defray expenses of performing duty of defaulting authority.
- 88. Recovery of principal and interest.

PART IV.

MISCELLANEOUS, AND SAVING CLAUSES AND REPEAL.

Miscellaneous.

- 89. Byelaws.
- 90. Penalty on obstructing execution of Act.
- 91. Penalty on damaging works, &c. of local authority.
- 92. Substitution in other Acts of provisions of this Act for provisions of repealed Acts.
- 93. Forms.
- 94. Provision as to execution of Common Lodging Houses Acts.
- 95. Notice of registration to be affixed to houses.
- 96. Evidence as to family in proceedings.
- 97. As to jurisdiction with respect to hackney carriages in the metropolitan police district.
- 98. Provision in case of two convictions for overcrowding or unlawfully occupying cellar dwelling.
- 99. Provision as to ships.
- 100. Powers of port sanitary authority of Port of London.
- 101. Consent of Local Government Board required in certain cases.
- 102. Orders of Local Government Board.

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Saving Clauses.

103. Provision for existing committees and officers of local authorities.
 104. Saving for water rights generally.
 105. Powers of Act to be cumulative.

Repeal of Acts.

106. Repeal of Acts in Schedule II.

SCHEDULES.

LIST OF ABBREVIATED REFERENCES TO FORMER
 ACTS IN THE MARGINAL NOTES.

NUISANCES REMOVAL ACTS.

N. R. 1855	18 & 19 Vict. c. 121., Nuisances Removal Act, 1855.
N. R. 1860	23 & 24 Vict. c. 77., ,, ,, 1860.
N. R. 1863	26 & 27 Vict. c. 117., ,, ,, 1863.

SANITARY AMENDMENT ACTS.

San. 1866	29 & 30 Vict. c. 90., Sanitary Act, 1866.
San. 1868	31 & 32 Vict. c. 115., ,, 1868.
San. 1869	32 & 33 Vict. c. 100., Sanitary Loans Act, 1869.
San. 1870	33 & 34 Vict. c. 53., Sanitary Act, 1870.
D.	18 & 19 Vict. c. 116., Diseases Prevention Act, 1855.

A
B I L L

TO

Consolidate and amend the Law relating to Public Health in A.D. 1877.
the Metropolis.

WHEREAS by the Public Health Act 1875 certain Acts 38 & 39 Vict.
relating to public health were, as regards England, exclusive c. 55.
of the metropolis, repealed, and by that Act consolidated with
amendments :

- 5 And whereas it is expedient that the said Acts as regards the
metropolis also be repealed, and be consolidated with like amend-
ments, and that better provision be made for regulating the founda-
tions of buildings and the sanitary arrangements of dairies within
the metropolis :
- 10 Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

15 PART I.

PRELIMINARY.

1. This Act may be cited as The Public Health (Metropolis) Short title.
Act, 1877.

2. In this Act, if not inconsistent with the context, the following Interpretation.
words and expressions have the meanings herein-after respectively
20 assigned to them ; that is to say,

“The metropolis” means the city of London, and all parishes
and places mentioned in Schedules A., B., and C. to the
Metropolis Management Act, 1855, and any parish to which
that Act may have been or may be extended by Order in
25 Council in manner in the said Act provided :

“The city of London” includes the liberties thereof :

“Vestry” or “district board” means a vestry or district board
as incorporated by the Metropolis Management Act, 1855 :

[Bill 187.]

A

A.D. 1877.

“Premises” includes messuages buildings and lands of any tenure :

“Owner” means the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or trustee 5 for any other person, or who would so receive the same if such lands or premises were let at a rackrent :

“Rackrent” means rent which is not less than two thirds of the full net annual value of the property out of which the rent arises ; and the full net annual value shall be taken to be the 10 rent at which the property might reasonably be expected to let from year to year, free from all usual tenant’s rates and taxes, and tithe commutation rentcharge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain 15 the same in a state to command such rent :

“Person” includes any body of persons, whether corporate or unincorporate :

“Court of quarter sessions” means the court of general or quarter sessions of the peace having jurisdiction over the 20 whole or any part of the district or place in which the matter requiring the cognizance of general or quarter sessions arises :

“Court of summary jurisdiction” means any justice or justices of the peace, stipendiary or other magistrate or officer, by 25 whatever named called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to :

“Summary Jurisdiction Acts” means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled “An Act to facilitate 30
“ the performance of the duties of justices of the peace out of
“ sessions within England and Wales with respect to summary
“ convictions and orders,” and any Act amending the same.

Extent of
Act.

3. This Act shall (save as otherwise expressly provided) extend 35 only to the metropolis.

Execution of
Act.

4. Subject to the provisions of this Act, the local authority for the execution of this Act (in this Act referred to as “the local authority”) shall be as follows ; (namely,)

See 23 & 24
Vict. c. 77.
ss. 2, 5.

In the city of London the Commissioners of Sewers ; and

In Lincoln’s Inn, the Inner Temple, the Middle Temple, 40
and Gray’s Inn, the benchers or other the governing body of
their respective societies ; and in the Charterhouse, the board

of works for the Holborn district; and in the close of the collegiate church of St. Peter, Westminster, the board of works for the Westminster district; and

A.D. 1877.

5 In the rest of the metropolis the vestries and district boards within their respective parishes and districts.

10 5. The purposes for which a committee of a vestry or district board may be appointed under the Metropolis Management Act, 1855, shall be deemed to include all or any of the purposes of this Act, and the provisions with respect to committees of the said Metropolis Management Act and of the Acts amending the same shall apply accordingly; and this section shall apply as if the Charterhouse and the close of the collegiate church of St. Peter Westminster were respectively included in the districts of the Holborn district board of works and the Westminster district board

Appoint-
ment of
committees.
23 & 24 Vict.
c. 77. s. 5.,
18 & 19 Vict.
c. 121. s. 5.

15 of works.

6. The expenses of the execution of this Act shall be defrayed as follows; (namely,)

Expenses of
execution of
Act.

In the case of the Commissioners of Sewers, out of their sewer rate or consolidated rate, or either of such rates :

20 In the case of the benchers of Lincoln's Inn, the Inner Temple, the Middle Temple, and Gray's Inn, out of the corporate funds or income of their respective societies :

In the case of vestries and district boards, out of their general rate.

25 Provided that for obtaining payment of all sums expended by them for the purposes of this Act in or for the benefit of the Charterhouse and the close of the collegiate church of St. Peter, Westminster, the Holborn and the Westminster district boards of works respectively may from time to time, by order under their seal, require the overseers of those places to pay over to the treasurers

30 of such boards respectively, or into any bank, the sums specified in the order within the time thereby limited, and the overseers shall pay the same accordingly out of the poor rates leviable in those places, and if necessary may levy an increase of poor rate to meet the sums so required, and the said boards of works shall have the

35 like remedies for recovering such sums as they have for recovering the amounts specified in any orders issued by them under the Metropolis Management Act, 1855.

7. Any expenses incurred in the execution of this Act by the Metropolitan Board of Works shall be defrayed out of the fund or rate applicable to the general expenses of the Metropolitan Board of Works.

Expenses of
Metropolitan
Board of
Works.

A.D. 1877.

PART II.

SANITARY PROVISIONS.

Nuisances.

Note.—A number in brackets prefixed to a clause refers to the corresponding section of the Public Health Act, 1875.

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Definition of
nuisances.N. R. 1855,
s. 8.San. 1866,
s. 19.

8. (91.) For the purposes of this Act,—

1. Any premises in such a state as to be a nuisance or injurious to health :
2. Any pool ditch gutter watercourse privy urinal cesspool drain or ashpit so foul or in such a state as to be a nuisance or injurious to health :
3. Any animal so kept as to be a nuisance or injurious to health :
4. Any accumulation or deposit which is a nuisance or injurious to health :
5. Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family :
6. Any factory workshop or workplace (not already under the operation of any general Act for the regulation of factories or bakehouses) not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases vapours dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein :
7. Any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill factory dyehouse brewery bakehouse or gaswork, or in any manufacturing or trade process whatsoever ; and

Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance,

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shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act : Provided—

First. That a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on any business or manufacture, if it be proved to the satisfaction of the Court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means

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have been taken for preventing injury thereby to the public health : A.D. 1877.

Secondly. That where a person is summoned before any Court in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the Court shall hold that no nuisance is created within the meaning of this Act, and dismiss the complaint, if it is satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

9. (92.) It shall be the duty of every local authority to cause to be made from time to time inspection of their district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act in order to abate the same ; also to enforce the provisions of any Act in force within their district requiring fireplaces and furnaces to consume their own smoke. Duty of local authority to inspect district for detection of nuisances. San. 1866, s. 20.

10. (93.) Information of any nuisance under this Act in the district of any local authority may be given to such local authority by any person aggrieved thereby, or by any two inhabitant householders of such district, or by any officer of such authority, or by the relieving officer, or by any constable or officer of police acting within such district. Information of nuisances to local authority. N. R. 1855, s. 10.

11. (94.) On the receipt of any information respecting the existence of a nuisance the local authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default, or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose : Local authority to serve notice requiring abatement of nuisance. San. 1866, s. 21.

35 . Provided—

First. That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner :

40 Secondly. That where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default, or sufferance of the owner or occupier of

A.D. 1877.

the premises, the local authority may themselves abate the same without further order.

On non-compliance with notice, complaint to be made to justice.
N. R. 1855, s. 12.

12. (95.) If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although 5 abated since the service of the notice, is, in the opinion of the local authority, likely to recur on the same premises, the local authority shall cause a complaint relating to such nuisance to be made before a justice, and such justice shall thereupon issue a summons requiring the person on whom the notice was served to appear before a court 10 of summary jurisdiction.

Power of court of summary jurisdiction to make order dealing with nuisance.
Ib.

13. (96.) If the Court is satisfied that the alleged nuisance exists, or that, although abated, it is likely to recur on the same premises, the Court shall make an order on such person requiring him to comply with all or any of the requisitions of the notice, or other- 15 wise to abate the nuisance within a time specified in the order, and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance, and directing the execution of any works necessary to prevent the recurrence; or an order both requiring abatement and prohibiting the recurrence of the 20 nuisance.

The Court may by their order impose a penalty not exceeding *five pounds* on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for abatement or 25 prohibition of the nuisance.

Order of prohibition in case of house unfit for human habitation.
N. R. 1855, s. 13.

14. (97.) Where the nuisance proved to exist is such as to render a house or building, in the judgment of the Court, unfit for human habitation, the Court may prohibit the using thereof for that purpose until, in its judgment, the house or building is 30 rendered fit for that purpose; and on the Court being satisfied that it has been rendered fit for that purpose the Court may determine its previous order by another, declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited. 35

Penalty for contravention of order of Court.
Ib., s. 14.

15. (98.) Any person not obeying an order to comply with the requisitions of the local authority or otherwise to abate the nuisance, shall, if he fails to satisfy the Court that he has used all due diligence to carry out such order, be liable to a penalty not exceeding *ten shillings* per day during his default; and any person 40 knowingly and wilfully acting contrary to an order of prohibition

shall be liable to a penalty not exceeding *twenty shillings* per day during such contrary action; moreover, the local authority may enter the premises to which any order relates, and abate the nuisance, and do whatever may be necessary in execution of such order, and recover in a summary manner the expenses incurred by them from the person on whom the order is made.

A.D. 1877.

16. (99.) Where any person appeals against an order to the court of quarter sessions in manner provided by this Act no liability to penalty shall arise, nor shall any proceedings be taken or work be done under such order until after the determination of such appeal, unless such appeal ceases to be prosecuted.

Appeal against order.

Ib., ss. 15, 16.

17. (100.) Whenever it appears to the satisfaction of the court of summary jurisdiction that the person by whose act or default the nuisance arises, or the owner or occupier of the premises, is not known or cannot be found, then the order of the Court may be addressed to and executed by the local authority.

In certain cases order may be addressed to local authority.

Ib., s. 17.

18. (101.) Any matter or thing removed by the local authority in abating any nuisance under this Act may be sold by public auction; and the money arising from the sale may be retained by the local authority, and applied in payment of the expenses incurred by them with reference to such nuisance, and the surplus (if any) shall be paid, on demand, to the owner of such matter or thing.

Power to sell manure, &c. Ib., s. 18.

19. (102.) The local authority, or any of their officers, shall be admitted into any premises for the purpose of examining as to the existence of any nuisance thereon, or of enforcing the provisions of any Act in force within the district requiring fireplaces and furnaces to consume their own smoke, at any time between the hours of nine in the forenoon and six in the afternoon, or in the case of a nuisance arising in respect of any business, than at any hour when such business is in progress or is usually carried on.

Power of entry of local authority.

Ib., s. 11. San. 1866, ss. 20 & 31.

Where under this Act a nuisance has been ascertained to exist, or an order of abatement or prohibition has been made, the local authority or any of their officers shall be admitted from time to time into the premises between the hours aforesaid, until the nuisance is abated, or the works ordered to be done are completed, as the case may be.

Where an order of abatement or prohibition has not been complied with, or has been infringed, the local authority, or any of their officers, shall be admitted from time to time at all reasonable hours, or at all hours during which business is in progress or is usually carried on, into the premises where the nuisance exists, in order to abate the same.

A.D. 1877. If admission to premises for any of the purposes of this section is refused, any justice, on complaint thereof on oath by any officer of the local authority (made after reasonable notice in writing of the intention to make the same has been given to the person having custody of the premises), may, by order under his hand, require the 5 person having custody of the premises to admit the local authority, or their officer, into the premises during the hours aforesaid, and if no person having custody of the premises can be found, the justice shall, on oath made before him of that fact, by order under his hand authorise the local authority or any of their officers to enter 10 such premises during the hours aforesaid.

Any order made by a justice for admission of the local authority or any of their officers on premises shall continue in force until the nuisance has been abated, or the work for which the entry was necessary has been done. 15

N. R. 1855,
s. 36.

Any person who refuses to obey an order of a justice for admission of the local authority or any of their officers on any premises shall be liable to a penalty not exceeding *five pounds*.

Costs and
expenses of
execution of
provisions
relating to
nuisances.
Ib., s. 19.

20. (104.) All reasonable costs and expenses incurred in making a complaint, on giving notice, or in obtaining any order of the court 20 or any justice in relation to a nuisance under this Act, or in carrying the same into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order is made on the local authority, or if no order is made, but the nuisance is proved to have existed when the com- 25 plaint was made or the notice given, then of the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, such costs and expenses may be recovered from any person who is for the time being owner of such premises: Provided that such costs and 30 expenses shall not exceed in the whole one year's rackrent of the premises.

Such costs and expenses, and any penalties incurred in relation to any such nuisance, may be recovered in a summary manner or in any county court, or in Her Majesty's High Court of Justice, 35 and the Court shall have power to divide costs, expenses, and penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just.

San. 1866,
s. 34.

Any costs and expenses recoverable under this section by a local authority from an owner of premises may be recovered from the 40 occupier for the time being of such premises; and the owner shall

allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of the said premises, as if the same had been actually paid to such owner as part of such rent : A.D. 1877.

5 Provided, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which, after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes
10 payable by such occupier, unless he refuses, on application to him by the local authority, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the
15 time of such notice, or which has since accrued, shall lie on such occupier :

Provided also, that nothing in this section shall affect any contract between any owner or occupier of any house building or other property whereby it is or may be agreed that the occupier
20 shall pay or discharge all rates dues and sums of money payable in respect of such house building or other property, or to affect any contract whatsoever between landlord and tenant.

21. (105.) Complaint may be made to a justice of the existence of a nuisance under this Act on any premises within the district of
25 any local authority by any person aggrieved thereby, or by any inhabitant of such district, or by any owner of premises within such district, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, appeal, and otherwise, as in the case of
30 a complaint relating to a nuisance made to a justice by the local authority :

Power of individual to complain to justice of nuisance.
N. R. 1860, s. 13.
P. H. 1874, s. 53.

Provided that the Court may, if it thinks fit, adjourn the hearing or further hearing of the summons for an examination of the premises where the nuisance is alleged to exist, and may authorise
35 the entry into such premises of any constable or other person for the purposes of such examination :

Provided also, that the Court may authorise any constable or other person to do all necessary acts for executing an order made under this section, and to recover the expenses from the person on
40 whom the order is made in a summary manner.

Any constable or other person authorised under this section shall have the like powers and be subject to the like restrictions as if

A.D. 1877. — he were an officer of the local authority authorised under the provisions of this Act relating to nuisances to enter any premises and do any acts thereon.

Power of officer of police to proceed in certain cases against nuisances.

San. 1866, s. 16.

P. H. 1874, s. 19.

22. (106.) Where it is proved to the satisfaction of the Local Government Board that a local authority have made default in doing their duty in relation to nuisances under this Act, the Local Government Board may authorise any officer of police acting within the district of the defaulting authority to institute any proceeding which the defaulting authority might institute with respect to such nuisances, and such officer may recover in a summary manner or in any county court, or in Her Majesty's High Court of Justice, any expenses incurred by him, and not paid by the person proceeded against, from the defaulting authority:

But such officer of police shall not be at liberty to enter any house or part of a house used as the dwelling of any person without such person's consent, or without the warrant of a justice, for the purpose of carrying into effect this enactment.

Local authority may take proceedings in High Court of Justice for abatement of nuisances.

N. R. 1855, s. 30.

23. (107.) The local authority may, if in their opinion summary proceedings would afford an inadequate remedy, cause any proceedings to be taken against any person in Her Majesty's High Court of Justice to enforce the abatement or prohibition of any nuisance under this Act, or for the recovery of any penalties from or for the punishment of any persons offending against the provisions of this Act relating to nuisances, and may order the expenses of and incident to all such proceedings to be paid out of the rate applicable by them to the purposes of this Act.

Power to proceed where cause of nuisance arises without district.

24. (108.) Where a nuisance under this Act within the district of a local authority appears to be wholly or partially caused by some act or default committed or taking place without their district, the local authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances by this Act authorised, with the same incidents and consequences as if such act or default were committed or took place wholly within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district where the act or default is alleged to be committed or take place.

Periodical removal of manure from mews and

25. (50.) Notice may be given by any local authority (by public announcement in the district or otherwise) for the periodical removal of manure or other refuse matter from mews, stables, 40

or other premises; and where any such notice has been given any person to whom the manure or other refuse matter belongs who fails so to remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the local authority direct, shall be liable without further notice to a penalty not exceeding *twenty shillings* for each day during which such manure or other refuse matter is permitted to accumulate.

A.D. 1877.
other premises.
San. 1866,
s. 53.

26. (111.) The provisions of this Act relating to nuisances shall be deemed to be in addition to and not to abridge or affect any right, remedy, or proceeding under any other provisions of this Act or under any other Act, or at law or in equity :

Provisions of Act relating to nuisances not to affect other remedies.

Provided that no person shall be punished for the same offence both under the provisions of this Act relating to nuisances, and under any other law or enactment.

Offensive Trades.

27. (114.) Where any candle-house melting-house melting-place, or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling burning or crushing bones, or any manufactory building or place used for any trade business process or manufacture, causing effluvia, is certified to the local authority by their medical officer of health, or by any two legally qualified medical practitioners, or by any ten inhabitants of the district of such authority, to be a nuisance or injurious to the health of any of the inhabitants of the district, such authority shall direct complaint to be made before a justice, who may summon the person by or on whose behalf the trade so complained of is carried on to appear before a court of summary jurisdiction.

Duty of local authority to complain to justice of nuisance arising from offensive trade.
N. R. 1855,
s. 27.
San. 1866,
s. 18.

The Court shall inquire into the complaint, and if it appears to the Court that the business carried on by the person complained of is a nuisance, or causes any effluvia which is a nuisance or injurious to the health of any of the inhabitants of the district, and unless it be shown that such person has used the best practicable means for abating such nuisance, or preventing or counteracting such effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier,) shall be liable to a penalty not exceeding *five pounds* nor less than *forty shillings*, and on a second and any subsequent conviction to a penalty double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of *two hundred pounds* :

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Provided, that the Court may suspend its final determination on condition that the person complained of undertakes to adopt, within a reasonable time, such means as the Court may deem to be practicable and order to be carried into effect for abating such nuisance, or mitigating or preventing the injurious effects of such effluvia, or if such person gives notice of appeal to the court of quarter sessions in manner provided by this Act. 5

The local authority may, if they think fit, on such certificate as is in this section mentioned, cause to be taken any proceedings in Her Majesty's High Court of Justice against any person in respect of the matters alleged in such certificate. 10

Power to proceed where nuisance arises from offensive trade carried on without district.

28. (115.) Where any house building manufactory or place which is certified in pursuance of the last preceding section to be a nuisance or injurious to the health of any of the inhabitants of the district of a local authority is situated without such district, such authority may take or cause to be taken any proceedings by that section authorised in respect of the matters alleged in the certificate, with the same incidents and consequences as if the house building manufactory or place were situated within such district; so, however, that summary proceedings shall not in any case be had otherwise than before a court having jurisdiction in the district where the house building manufactory or place is situated. 15 20

Unsound Meat, &c.

Power of medical officer of health to inspect meat, &c.

N. R. 1863, s. 2.
P. H. 1874, s. 54.

29. (116.) Any medical officer of health or inspector of nuisances may at all reasonable times inspect and examine any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, and intended for the food of man, the proof that the same was not exposed or deposited for any such purpose, or was not intended for the food of man, resting with the party charged; and if any such animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk appears to such medical officer or inspector to be diseased, or unsound, or unwholesome, or unfit for the food of man, he may seize and carry away the same himself or by an assistant, in order to have the same dealt with by a court of summary jurisdiction. 25 30 35

Power of court to order destruction of unsound meat, &c.
Ib.

30. (117.) If it appears to the court that any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk so seized is diseased or unsound, or unwholesome, or unfit for the food of man, the court shall condemn the same, and order it to be 40

destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man; and the person to whom the same belongs or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be
 5 liable to a penalty not exceeding *twenty pounds* for every animal, carcase, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit vegetables corn bread or flour, or for the milk so condemned, or, at the discretion of the Court, without the infliction of a fine, to imprisonment for a term of not
 10 more than *three months*. A.D. 1877.

31. (118.) Any person who in any manner prevents any medical officer of health or inspector of nuisances from entering any premises and inspecting any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk exposed or deposited
 15 for the purpose of sale, or of preparation for sale, and intended for the food of man, or who obstructs or impedes any such medical officer or inspector or his assistant, when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding *five pounds*.
 Penalty for hindering officer from inspecting meat, &c. N. R. 1863, s. 3.

32. (119.) On complaint made on oath by a medical officer of health, or by an inspector of nuisances, or other officer of a local authority, any justice may grant a warrant to any such officer to enter any building or part of a building in which such officer has reason for believing that there is kept or concealed any animal car-
 25 case meat poultry game flesh fish fruit vegetables corn bread flour or milk which is intended for sale for the food of man, and is diseased, unsound, or unwholesome, or unfit for the food of man; and to search for, seize, and carry away any such animal or other article in order to have the same dealt with by a court of summary juris-
 30 diction under the provisions of this Act. Search war- rant may be granted by a justice. P. H. 1874, s. 55.

Any person who obstructs any such officer in the performance of his duty under such warrant shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding *twenty pounds*.

35 *Provisions as to Water.*

33. (64.) All existing public wells pumps fountains and works used for the gratuitous supply of water to the inhabitants of the district of any local authority, and not vested in any person or authority other than such local authority shall vest in and be under
 40 the control of such local authority, and such local authority may cause the same to be maintained and plentifully supplied with pure
 Vesting of public wells, &c. in local authority. N. R. 1860, s. 7.

A.D. 1877. and wholesome water, or may substitute maintain and plentifully supply with pure and wholesome water other such works equally convenient.

Penalty for causing water to be corrupted by gas washings. N. R. 1855, ss. 23-25.

34. (68.) Any person engaged in the manufacture of gas who—

- (1.) Causes or suffers to be brought or to flow into any stream, 5
reservoir aqueduct pond or place for water, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or,
- (2.) Wilfully does any act connected with the making or supplying of gas whereby the water in any such stream 10
reservoir aqueduct pond or place for water is fouled,

shall forfeit for every such offence the sum of two hundred pounds, and, after the expiration of twenty-four hours notice from the local authority or the person to whom the water belongs in that behalf, a further sum of *twenty pounds* for every day during which the 15
offence is continued or during the continuance of the act whereby the water is fouled.

Every such penalty may be recovered, with full costs of suit, in Her Majesty's High Court of Justice, in the case of water belonging to or under the control of the local authority by the 20
local authority, and in any other case by the person into whose water such washing or other substance is conveyed or flows, or whose water is fouled by any such act as aforesaid, or in default of proceedings by such person, after notice to him from the local authority of their intention to proceed for such penalty, by the 25
local authority; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it has ceased.

Penalty for fouling water. N. R. 1860, s. 8.

35. If any person does any act whatsoever whereby any fountain or pump is wilfully or maliciously damaged, or the water of any 30
well fountain or pump is polluted or fouled, he shall forfeit a sum not exceeding *five pounds* for each offence, and a further sum not exceeding *twenty shillings* for every day during which such offence is continued, after written notice from the local authority in relation thereto, but this section shall not extend to offences 35
against the provisions of this Act in relation to the fouling of water by gas or gas washings.

Power to close polluted wells, &c. P. H. 1874, s. 50.

36. (70.) On the representation of any person to any local authority that within their district the water in any well tank or cistern, public or private, or supplied from any public pump, and used or 40
likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, is so polluted as to be injurious to health, such authority may apply to a court of summary

jurisdiction for an order to remedy the same; and thereupon such court shall summon the owner or occupier of the premises to which the well tank or cistern belongs, if it be private, and in the case of a public well tank cistern or pump, any person alleged in the application to be interested in the same, and may either dismiss the application, or may make an order directing the well tank cistern or pump to be permanently or temporarily closed, or the water to be used for certain purposes only, or such other order as may appear to them to be requisite to prevent injury to the health of persons drinking the water.

The court may, if they see fit, cause the water complained of to be analysed at the cost of the local authority applying to them under this section.

If the person on whom an order under this section is made fails to comply with the same, the court may on the application of the local authority authorise them to do whatever may be necessary in the execution of the order, and any expenses incurred by them may be recovered in a summary manner from the person on whom the order is made.

20 *Byelaws as to Houses let in Lodgings.*

37. (90.) The Local Government Board may, if they think fit, by notice published in the London Gazette, declare the following enactment to be in force within the district or any part of the district of any local authority, and from and after the publication of such notice such authority shall be empowered to make byelaws for the following matters; (that is to say,)

- (1.) For fixing and, from time to time, varying the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house so let or occupied :
- (2.) For the registration of houses so let or occupied :
- (3.) For the inspection of such houses :
- (4.) For enforcing drainage and the provision of privy accommodation for such houses, and for promoting cleanliness and ventilation in such houses :
- (5.) For the cleansing and lime-washing at stated times of the premises, and for the paving of the courts and courtyards thereof :
- (6.) For the giving of notices and the taking of precautions in case of any infectious disease.

This section shall not apply to common lodging-houses within the provisions of any Act relating to common lodging-houses.

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B 4

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Local Government Board may empower local authority to make byelaws as to lodging-houses.
San. 1866, s. 35.
P. H. 1874, s. 47.

A.D.1877.

Infectious Diseases.

Duty of local authority to cause premises to be cleansed and disinfected. San. 1866, s. 22.

38. (120.) Where any local authority are of opinion, on the certificate of their medical officer of health or of any other legally qualified medical practitioner, that the cleansing and disinfecting of any house, or part thereof, and of any articles therein likely to retain infection would tend to prevent or check infectious disease, it shall be the duty of such authority to give notice in writing to the owner or occupier of such house, or part thereof, requiring him to cleanse and disinfect such house, or part thereof, and articles within a time specified in such notice. 5 10

If the person to whom notice is so given fails to comply therewith, he shall be liable to a penalty of not less than *one shilling* and not exceeding *ten shillings* for every day during which he continues to make default; and the local authority shall cause such house, or part thereof, and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner. 15

Where the owner or occupier of any such house, or part thereof, is, from poverty or otherwise, unable, in the opinion of the local authority, effectually to carry out the requirements of this section, such authority may, without enforcing such requirements on such owner or occupier, with his consent cleanse and disinfect such house, or part thereof, and articles, and defray the expenses thereof. 20

Destruction of infected bedding, &c. P. H. 1872, s. 51. P. H. 1874, s. 52.

39. (121.) Any local authority may direct the destruction of any bedding clothing or other articles which have been exposed to infection from any dangerous infectious disorder, and may give compensation for the same. 25

Provision of means of disinfection. San. 1866, s. 23.

40. (122.) Any local authority may provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding, clothing, or other articles which have become infected, and may cause any articles brought for disinfection to be disinfected free of charge. 30

Provision of conveyance for infected persons. Ib., s. 24. N. R. 1860, s. 12.

41. (123.) Any local authority may provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any infectious disorder, and may pay the expense of conveying therein any person so suffering to a hospital or other place of destination. 35

Removal of infected persons without proper lodg-

42. (124.) Any person who is suffering from any dangerous infectious disorder, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board 40

any ship or vessel, may, on a certificate signed by a legally qualified medical practitioner, and with the consent of the superintending body of such hospital or place as is herein-after mentioned, be removed by order of any justice, and at the cost of the local authority named in the order, to any hospital or place for the reception of the sick situate within the metropolis; and any person so suffering, who is lodged in any common lodging-house, may, with the like consent and on a like certificate, be so removed by order of the local authority of the district in which such common lodging-house is situate.

A.D. 1877.
—
ing to hospital by order of justice.
San. 1866, s. 26.
San. 1870, s. 2.
P. H. 1874, s. 51.

An order under this section may be addressed to such constable or officer of the local authority as the justice or local authority making the same may think expedient; and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding *ten pounds*.

43. (125.) Any local authority may make regulations (to be approved of by the Local Government Board) for removing to any hospital to which such authority are entitled to remove patients, and for keeping in such hospital so long as may be necessary, any persons brought within their district by any ship or boat who are infected with a dangerous infectious disorder, and such regulations may impose on offenders against the same reasonable penalties not exceeding *forty shillings* for each offence.

Removal to hospital of infected persons brought by ships.
San. 1866, s. 29.

44. (126.) Any person who—

(1.) While suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop, inn, or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor, or driver thereof that he is so suffering; or

Penalty on exposure of infected persons and things.
Ib., ss. 25, 38.

(2.) Being in charge of any person so suffering, so exposes such sufferer; or

(3.) Gives, lends, sells, transmits, or exposes, without previous disinfection, any bedding, clothing, rags, or other things which have been exposed to infection from any such disorder,

shall be liable to a penalty not exceeding *five pounds*; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the Court to pay such owner and driver the amount of any loss and expense they may incur in carrying into effect the provisions of this Act with respect to disinfection of the conveyance:

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C

A.D. 1877. — Provided, that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags, or other things for the purpose of having the same disinfected.

Penalty on failing to provide for disinfection of public conveyance. San. 1866, ss. 25, 38.

45. (127.) Every owner or driver of a public conveyance shall 5 immediately provide for the disinfection of such conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder; and if he fails to do so he shall be liable to a penalty not exceeding *five pounds*; but no such owner or driver shall be required to convey any person so suffering until 10 he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

Penalty on letting houses in which infected persons have been lodging. Ib., s. 39.

46. (128.) Any person who knowingly lets for hire any house, room, or part of a house in which any person has been suffering from any dangerous infectious disorder, without having such house, 15 room, or part of a house and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding *twenty pounds*.

For the purposes of this section, the keeper of an inn shall be 20 deemed to let for hire part of a house to any person admitted as a guest into such inn.

Penalty on persons letting houses making false statements as to infectious disease. P. H. 1874, s. 56.

47. (129.) Any person letting for hire or showing for the purpose of letting for hire any house or part of a house, who on being questioned by any person negotiating for the hire of such house or 25 part of a house as to the fact of their being or within six weeks previously having been therein any person suffering from any dangerous infectious disorder, knowingly makes a false answer to such question, shall be liable, at the discretion of the court, to a penalty not exceeding *twenty pounds*, or to imprisonment, with or without 30 hard labour, for a period not exceeding one month.

Power of Local Government Board to make regulations. San. 1866, s. 52.

48. (130.) The Local Government Board may from time to time make, alter, and revoke such regulations as to the said Board may seem fit, with a view to the treatment of persons affected with cholera, or any other epidemic, endemic, or infectious disease, and 35 preventing the spread of cholera and such other diseases, as well on the seas, rivers, and waters of the United Kingdom, and on the high seas within three miles of the coasts thereof, as on land; and may declare by what authority or authorities such regulations shall be enforced and executed. Regulations so made shall be published in 40 the London Gazette, and such publication shall be for all purposes conclusive evidence of such regulations.

Any person wilfully neglecting or refusing to obey or carry out or obstructing the execution of any regulation made under this section shall be liable to a penalty not exceeding *fifty pounds*.

A.D. 1877.
P. H. 1872,
s. 52.
P. H. 1874,
s. 52.

Special Regulations in case of Epidemic Diseases.

- 5 **49. (134.)** Whenever any part of the metropolis appears to be threatened with or is affected by any formidable epidemic endemic or infectious disease, the Local Government Board may make and from time to time alter and revoke regulations for all or any of the following purposes; (namely,)
- 10 (1.) For the speedy interment of the dead; and
(2.) For house to house visitation; and
(3.) For the provision of medical aid and dispensing of medicines, for affording to persons threatened with or affected by any such disease as aforesaid such accommodation as may be
- 15 required, for the promotion of cleansing ventilation and disinfection, and for guarding against the spread of disease; and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any local authority, and to apply to any vessels, whether on inland waters
- 20 or on arms and parts of the sea within the jurisdiction of the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of Lord High Admiral for the time being, for the period in such order mentioned, and may by any subsequent order abridge or extend such period.
- 25 **50. (135.)** All regulations and orders so made by the Local Government Board shall be published in the London Gazette, and such publication shall be conclusive evidence thereof for all purposes.
- 51. (136.)** The local authority of any district within which or part of which regulations so issued by the Local Government Board
- 30 are declared to be in force, shall superintend and see to the execution thereof, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts matters and things as may be necessary for mitigating any such disease, or for superintending or aiding in the execution of such regulations, or for
- 35 executing the same, as the case may require. Moreover, the local authority may from time to time direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any such regulation.
- 52. (137.)** The local authority and their officers shall have power
- 40 of entry on any premises or vessel for the purpose of executing or superintending the execution of any regulations so issued by the Local Government Board as aforesaid.

Power of
Local
Government
Board to
make regu-
lations for
prevention of
diseases.
D., ss. 5, 6,
7, 11.

Publication
of regulations
and orders.
D., s. 7.

Local autho-
rity to see to
the execu-
tion of regu-
lations.
Ib., ss. 8, 9.

Power of
entry.
Ib., s. 4.

A.D. 1877.

Poor law
medical
officers en-
titled to costs
of attendance
on board
vessels.

Ib., s. 12.

53. (138.) Whenever, in compliance with regulation so issued by the Local Government Board as aforesaid, any poor law medical officer performs any medical service on board any vessel he shall be entitled to charge extra for such service, at the general rate of his allowance for services for the union or place for which he is appointed; and such charges shall be payable by the captain of such vessel on behalf of the owners thereof, together with any reasonable expenses for the treatment of the sick. 5

Where such services are rendered by any medical practitioner who is not a poor law medical officer, he shall be entitled to charges for any service rendered on board, with extra remuneration on account of distance, at the same rate as those which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, to be paid as aforesaid. In case of dispute in respect of such charges, such dispute may, where the charges do not exceed twenty pounds, be determined by a court of summary jurisdiction; and such court shall determine summarily the amount which is reasonable, according to the accustomed rate of charge within the place where the dispute arises for attendance on patients of the like class as those in respect of whom the charge is made. 10 15 20

Local
Government
Board may
combine local
authorities.
San. 1866,
s. 40.

54. (139.) The Local Government Board may, if they think fit, by order authorise or require any two or more local authorities to act together for the purposes of the provisions of this Act relating to prevention of epidemic diseases, and may prescribe the mode of such joint action, and of defraying the costs thereof. 25

Penalty for
violating or
obstructing
the execu-
tion of re-
gulations.
D., s. 14.

55. (140.) Any person who—

- (1.) Wilfully violates any regulation so issued by the Local Government Board as aforesaid; or,
 - (2.) Wilfully obstructs any person acting under the authority or in the execution of any such regulation,
- shall be liable to a penalty not exceeding *five pounds*. 30

Hospitals.

Power of
local autho-
rity to
provide
hospitals.
San. 1866,
s. 37.

56. (131.) Any local authority may provide for the use of the inhabitants of their district hospitals or temporary places for the reception of the sick, and for that purpose may— 35

Themselves build such hospitals or places of reception; or
Contract for the use of any such hospital or part of a hospital or place of reception; or

Enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants 40

of their district, on payment of such annual or other sum as A.D. 1877.
may be agreed on.

57. (132.) Any expenses incurred by a local authority in maintaining in a hospital, or in a temporary place for the reception of the sick (whether or not belonging to such authority), a patient who is not a pauper, shall be deemed to be a debt due from such patient to the local authority, and may be recovered from him at any time within six months after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place.

Recovery of cost of maintenance of patient in hospital.

58. (133.) Any local authority may, with the sanction of the Local Government Board, themselves provide or contract with any person to provide a temporary supply of medicine and medical assistance for the poorer inhabitants of their district.

Power to provide temporary supply of medicine.
San. 1868, s. 10.

59. On the joint application of any local authorities, or of any local authority or authorities and any urban or rural sanitary authority or authorities within the meaning of the Public Health Act, 1875, the Local Government Board may by order combine the applicant authorities, or any of them, for the purpose of providing a hospital or hospitals for the common use of the combined authorities.

Power to combine authorities for providing hospitals.

All costs, charges, and expenses of and incidental to the application for and obtaining any such order, shall be deemed to be expenses incurred by the joint committee herein-after mentioned, and shall be defrayed accordingly.

60. Where two or more authorities have been combined for providing a common hospital, the duty of providing and maintaining such hospital and the management and control of such hospital shall be imposed on and vested in a joint committee to be appointed by the combined authorities, and consisting of such number of their members as may be determined by the order combining them.

Management by joint committee of hospital provided by two or more authorities.

A joint committee shall be a body corporate by such name as may be determined by the order, having a perpetual succession and a common seal, with power to hold lands for the purposes of its constitution without any license in mortmain.

61. The expenses incurred by a joint committee in providing and maintaining any hospital, and generally in the execution of their powers and duties in relation to any hospital, shall be defrayed out of a common fund to be contributed by the combined authorities, in such proportions as those authorities may agree, or as in default of agreement may be settled by the Local Government Board. For the purpose of obtaining payment from the combined authorities of the sums to be respectively contributed by them, the

Expenses of joint committee.

A.D. 1877. joint committee may from time to time issue their precept to the combined authorities, requiring each such authority within a time limited by the precept to pay the sum therein mentioned to the joint committee, or to such person as the joint committee may direct.

Any sum mentioned in a precept issued as aforesaid shall be a debt due from the authority to whom it is addressed and may be recovered accordingly; moreover if any such sum is not paid within *six weeks* from the issue of the precept, the joint committee shall have the same powers as the defaulting authority has of making and levying the rate out of which the expenses of the defaulting authority are paid, and may exercise such powers so far as may be necessary for raising the whole amount of the call.

Supplemental provisions as to joint committee.

62. Subject to the provisions of this Act, the order combining any authorities for the purpose of providing a common hospital under this Act may contain provisions as to the mode of appointment of members of a joint committee, as to their continuance in office, as to casual vacancies, as to their meetings, proceedings, and the appointment, removal, and payment of officers, and as to any other matter or thing with respect to which the Local Government Board may think fit to make regulations for better carrying into effect the provisions of this Act with respect to providing common hospitals.

Power to borrow for purpose of providing hospitals.

63. For the purpose of providing a hospital under this Act a local authority or a joint committee may from time to time with the sanction of the Local Government Board borrow, in manner provided by the Local Loans Act, 1875, such sums as may be required, and for securing the repayment of the sums borrowed with interest they may mortgage the rates or fund and contributions applicable by them respectively to the purpose of providing hospitals.

All sums borrowed under this section shall be discharged within such period not exceeding *fifty* years after the same were borrowed as the local authority or joint committee with the sanction of the Local Government Board may determine in each case, by such one or more of the methods (including a sinking fund) provided under the Local Loans Act, 1875, as the local authority or joint committee think fit.

Power for managers of metropolitan asylum districts to contract for reception care and maintenance of persons suffering from infectious disease.

64. The managers of any asylum district constituted under the Metropolitan Poor Act, 1867, and the Acts amending the same, may from time to time, with the approval of the Local Government Board, contract with any local authority under this Act, for the reception care and maintenance in any hospital belonging to or under the control of such managers of any person suffering from any dangerous infectious disorder within the district of any such local authority.

Mortuaries, &c.

A.D. 1877.

Power of local authorities to provide mortuaries. San. 1866, s. 27.

65. (141.) Any local authority may, and if required by the Local Government Board shall, provide and fit up a proper place for the reception of dead bodies before interment (in this Act called a mortuary), and may make byelaws with respect to the management and charges for use of the same; they may also provide for the decent and economical interment, at charges to be fixed by such byelaws, of any dead body which may be received into a mortuary.

For the purposes of providing a mortuary any local authority may from time to time, with the sanction of the Local Government Board, borrow on the security of the rates applicable by them to the purposes of this Act such sums as may be required, subject in all respects to the provisions of this Act with respect to the borrowing of money by a local authority for the purpose of providing a hospital.

66. (142.) Where the body of one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room is retained in such house or room, any justice may, on a certificate signed by a legally qualified medical practitioner, order the body to be removed, at the cost of the local authority, to any mortuary provided by such authority, and direct the same to be buried within a time to be limited in such order, and unless the friends or relations of the deceased undertake to bury the body within the time so limited, and do bury the same, it shall be the duty of the relieving officer to bury such body at the expense of the poor rate, but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial.

Justice may in certain cases order removal of dead body to mortuary. Ib., s. 27.

Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

67. (143.) Any local authority may provide and maintain a proper place (otherwise than at a workhouse or at a mortuary) for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a coroner or other constituted authority, and may make regulations with respect to the management of such place; and where any such place has been provided, a coroner or other constituted authority may order the removal of the body to and from such place for carrying out such post-mortem examination, such costs of removal to be paid in the same manner and out of the same fund as the costs and fees for post-mortem examinations when ordered by the coroner.

Power of local authority to provide places for post-mortem examinations. Ib., s. 28.

A.D. 1877.

Byelaws as to Foundations of Houses.

Power to
make bye-
laws as to
foundations
of houses.

68. The Commissioners of Sewers within the city of London, and the Metropolitan Board of Works within the rest of the metropolis, may, with a view to the prevention of injury to health and of nuisance, make byelaws providing, with respect to dwelling- 5 houses to be erected after the passing of this Act, that all offensive or unwholesome waste or refuse and all soil that has been rendered offensive or unwholesome by the deposit thereon of such waste or refuse or of fœcal matter shall be removed from the sites of such dwelling-houses or be rendered harmless before the foundations of 10 any such dwelling-houses are commenced.

Byelaws for regulation of Dairies and Cowsheds.

Power to
make bye-
laws as to
dairies and
cow-sheds.

69. The Commissioners of Sewers within the city of London, and the Metropolitan Board of Works within the rest of the metropolis, may, with a view to prevent the spread of disease, make byelaws with 15 respect to all or any of the following matters; (that is to say,)

- (1.) With respect to the water supply, drainage, and ventilation of dairies and cowsheds, in the occupation of cowkeepers and dairymen;
- (2.) With respect to the cleanliness of milkshops and of any 20 vessels used for receiving or containing milk for sale; and
- (3.) With respect to precautions to be taken for protecting milk against infection or contamination; and
- (4.) With respect to the situation and structure of dairies and cowsheds erected and intended to be occupied by cow- 25 keepers or dairymen after the passing of this Act.

PART III.

GENERAL PROVISIONS.

Prosecution of Offences and Recovery of Penalties, &c.

Summary
proceedings
for offences,
penalties, &c.
N. R. 1855,
s. 38.

70. (251.) All offences under this Act, and all penalties, for- 30 feitures, costs, and expenses under this Act directed to be recovered in a summary manner, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction. The court of summary jurisdiction, when hearing 35 and determining an information or complaint under this Act, shall be constituted of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do

alone any act authorised to be done by more than one justice of the peace sitting at some court or other place appointed for the administration of justice. A.D. 1877.

71. (252.) Any complaint or information made or laid in pursuance of this Act shall be made or laid within six months from the time when the matter of such complaint or information respectively arose. General provisions as to summary proceedings.

The description of any offence under this Act in the words of this Act shall be sufficient in law.

10 Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information; and, if so specified or negatived, no proof in relation to the matters so specified or
15 negatived shall be required on the part of the informant.

72. (253.) Proceedings for the recovery of any penalty under this Act shall not, except as in this Act is expressly provided, be had or taken by any person other than by a party aggrieved, or by the local authority of the district in which the offence is committed,
20 without the consent in writing of the Attorney General: Provided that such consent shall not be required to proceedings which are by the provisions of this Act relating to nuisances or offensive trades authorised to be taken by a local authority in respect of any act or default committed or taking place without their district, or in
25 respect of any house, building, manufactory, or place situated without their district. Restriction on recovery of penalties.

73. (254.) All penalties and sums recovered on account of any penalty by any local authority under this Act shall be paid over to them, and shall be applied by them towards defraying the expenses
30 of the execution of this Act. Application of penalties. See N. R. 1855, s. 38.

74. (255.) Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, it shall be lawful for the local authority or other complainant to institute proceedings against any one of such persons, or
35 to include all or any two or more of such persons in one proceeding; and any one or more of such persons may be ordered to abate such nuisance, so far as the same appears to the Court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which, in the
40 opinion of such Court, contribute to such nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a

A.D. 1877. nuisance; and the costs may be distributed as to such Court may appear fair and reasonable.

Proceedings against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included. 5

Whenever in any proceeding under the provisions of this Act relating to nuisances, whether written or otherwise, it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description. 10

Nothing in this section shall prevent persons proceeded against from recovering contribution in any case in which they would now be entitled to contribution by law.

Justices may act though members of local authority or liable to contribute. N. R. 1866, s. 2.

75. (258.) No justice of the peace shall be deemed incapable of acting in cases arising under this Act by reason of his being a member of any local authority, or by reason of his being, as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to or to be benefited by any rate or fund out of which any expenses incurred by such authority are under this Act to be defrayed. 15 20

Appearance of local authorities in legal proceedings. San. 1866, s. 48.

76. (259.) Any local authority may appear before any court or in any legal proceeding by their clerk, or by any officer or member authorised generally or in respect of any special proceeding by resolution of such authority; and their clerk, or any officer or member so authorised, shall be at liberty to institute and carry on any proceeding which the local authority is authorised to institute and carry on under this Act. 25

Name of local authority need not be proved.

77. (260.) In any proceeding instituted by or against a local authority under this Act it shall not be necessary for the plaintiff to prove the corporate name of the local authority or the constitution or limits of their district: Provided that this section shall not abridge or prejudice the right of any defendant to take or avail himself of any objection which he might have taken or availed himself of if this Act had not been passed. 30 35

Demands below 50*l.* may be recovered in county courts.

78. (261.) Proceedings for the recovery of demands below fifty pounds, which local authorities are empowered to recover in a summary manner, may, at the option of the local authority, be taken in the county court as if such demands were debts within the cognizance of such courts.

- 79. (262.)** No order conviction or thing made or done or relating to the execution of this Act shall be vacated quashed or set aside for want of form, or (unless otherwise expressly provided by this Act) be removed or removable by certiorari or any other writ or process whatsoever into Her Majesty's High Court of Justice: A.D. 1877. Proceedings not to be quashed for want of form. N. R. 1855, s. 39. Provided that nothing in this section shall prevent the removal of any case stated for the opinion of a divisional Court of Her Majesty's High Court of Justice, or of any order conviction or thing to which such special case relates.
- 80. (263.)** Any person who on any examination on oath, under any of the provisions of this Act, wilfully and corruptly gives false evidence, shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury. False evidence punishable as perjury.
- 81. (265.)** No matter or thing done, and no contract entered into by any local authority, and no matter or thing done by any member of any such authority, or by any officer of such authority or other person whomsoever acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into *bonâ fide* for the purpose of executing this Act, subject them or any of them personally to any action liability claim or demand whatsoever; and any expense incurred by any such authority member officer, or other person acting as last aforesaid shall be borne and repaid out of the rate applicable by such authority to the purposes of this Act. Protection of local authority and their officers from personal liability. N. R. 1855, s. 42.

25 *Notices.*

- 82. (266.)** Notices, orders, and other such documents under this Act may be in writing or print, or partly in writing and partly in print; and if the same requires authentication by the local authority, the signature thereof by the clerk to the local authority or their surveyor or inspector of nuisances shall be sufficient authentication. Notices, &c. may be printed or written. Ib., s. 32.
- 83. (267.)** Notices, orders, and any other documents required or authorised to be served under this Act may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises; they may also be served by post by a prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be

A.D. 1877. sufficient to prove that the notice, order, or other document was properly addressed and put into the post.

Any notice by this Act required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description.

Appeal.

Appeal to
quarter
sessions.
N. R. 1855,
s. 40.

84. (269.) Where any person deems himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act, such person may appeal therefrom, subject to the conditions and regulations following :

- (1.) The appeal shall be made to the next practicable court of quarter sessions for the county, division, or place where the decision appealed from was given, holden not less than twenty-one days after the decision of the court from which the appeal is made :
- (2.) The appellant shall, within fourteen days after the pronouncing by the court of the decision appealed from, give notice to the other party and to the court of summary jurisdiction by whose act he deems himself aggrieved, of his intention to appeal, and of the ground thereof :
- (3.) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security, by deposit of money or otherwise, as the justice may allow :
- (4.) Where the appellant is in custody the justice may, on the appellant entering into such recognizance, or giving such other security as aforesaid, release him from custody :
- (5.) The court of appeal may, if it thinks fit, adjourn the appeal, and on the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just ; and if the matter be remitted to the court of summary jurisdiction that court shall thereupon re-hear and decide

the information or complaint in accordance with the opinion of the court of appeal; the court of appeal may also make such order as to costs to be paid by either party as the court thinks just: A.D. 1877.

- 5 (6.) The decision of the court of appeal shall be binding on all parties: Provided that the court of appeal may, if such court thinks fit, state the facts specially for the determination of a divisional court of Her Majesty's High Court of Justice.

10 *Power of Local Government Board to enforce Performance of Duty by defaulting Local Authority.*

85. (299.) Where complaint is made to the Local Government Board that a local authority has made default in enforcing any provisions of this Act which it is their duty to enforce, the Local Government Board, if satisfied, after due inquiry, that the authority has been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If such duty is not performed by the time limited in the order, such order may be enforced by writ of mandamus, or the Local Government Board may appoint some person to perform such duty, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the authority in default; and any order made for the payment of such expenses and costs may be removed into Her Majesty's High Court of Justice, and be enforced in the same manner as if the same were an order of such Court.

Proceedings on complaint to Board of default of local authority. San. 1866, s. 49.

- Any person appointed under this section to perform the duty of a defaulting local authority shall, in the performance and for the purposes of such duty, be invested with all the powers of such authority other than (save as herein-after provided) the powers of levying rates; and the Local Government Board may from time to time by order change any person so appointed.

- 35 86. (300.) Any sum specified in an order of the Local Government Board for payment of the expenses of performing the duty of a defaulting local authority, together with the costs of the proceedings, shall be deemed to be expenses properly incurred by such authority, and to be a debt due from such authority, and payable out of any moneys in the hands of such authority or of their officers, or out of any rate applicable to the payment of any

Further provision for recovery of expenses. San. 1868, s. 8.

A.D. 1877. expenses properly incurred by such authority, which rate is in this Act referred to as "the local rate." If the defaulting authority refuses to pay any such sum, with costs, as aforesaid, for a period of fourteen days after demand, the Local Government Board may by order empower any person to levy, by and out of the local rate, such sum (the amount to be specified in the order) as may, in the opinion of the Local Government Board, be sufficient to defray the debt so due from the defaulting authority, and all expenses incurred in consequence of the nonpayment of such debt. 5 10

Any person or persons so empowered shall have the same powers of levying the local rate, and requiring all officers of the defaulting authority to pay over any moneys in their hands, as the defaulting authority would have in the case of expenses legally payable out of a local rate to be raised by such authority; and the said person or persons, after repaying all sums of money so due in respect of the order, shall pay the surplus, if any, (the amount to be ascertained by the Local Government Board,) to or to the order of the defaulting authority. 15

Power of Board to borrow to defray expenses of performing duty of defaulting authority. San. 1869, ss. 4, 5.

87. (301.) The Local Government Board may from time to time certify the amount of expenses that have been incurred, or an estimate of the expenses about to be incurred, by any person appointed by the said Board under this Act to perform the duty of a defaulting local authority; also the amount of any loan required to be raised for the purpose of defraying any expenses that have been so incurred, or are estimated as about to be incurred; and the certificate of the said Board shall be conclusive as to all matters to which it relates. 20 25

Whenever the Local Government Board so certifies a loan to be required, the Public Works Loan Commissioners may advance to the Local Government Board, or to any person appointed as aforesaid, the amount of the loan so certified to be required, on the security of the local rate, without requiring any other security; and the Local Government Board, or the person so appointed, may, by any instrument duly executed, charge the local rate with the repayment of the principal and interest due in respect of such loan, and every such charge shall have the same effect as if the defaulting local authority were empowered to raise such loan on the security of the local rate, and had duly executed an instrument charging the same on the local rate. 30 35 40

Recovery of principal and interest. Ib., s. 6.

88. (302.) Any principal money or interest for the time being due in respect of any loan under this Act made for payment of the

expenses incurred or to be incurred in the performance of the duty of a defaulting local authority shall be taken to be a debt due from such authority, and, in addition to any other remedies, may be recovered in the manner in which a debt due from a defaulting authority may be recovered in pursuance of the provisions of this part of this Act. A.D. 1877.

The surplus (if any) of any such loan, after payment of the expenses aforesaid, shall, on the amount thereof being certified by the Local Government Board, be paid to or to the order of the defaulting authority.

“Expenses,” for the purposes of the provisions of this Act relating to defaulting local authorities, shall include all sums payable under those provisions by or by the order of the Local Government Board, or the person appointed by that Board.

15

PART IV.

MISCELLANEOUS, AND SAVING CLAUSES AND REPEAL.

Miscellaneous.

89. Sections 202 and 203 of the Metropolis Management Act, 1855, shall (save so far as they relate only to the purposes for which byelaws may be made) apply to byelaws which the Metropolitan Board of Works and vestries and district boards are authorised to make under this Act: Provided that a byelaw under this Act imposing any penalty shall not require the approval of a Secretary of State, but shall not be valid unless it is approved by the Local Government Board.

Byelaws under this Act may be made by the Commissioners of Sewers in the same manner and subject to the same provisions as the byelaws which they are authorised to make under

90. (306.) Any person who wilfully obstructs any member of the local authority or any person duly employed in the execution of this Act, or who destroys pulls down injures or defaces any board on which any byelaw notice or other matter is inscribed, shall, if the same was put up by authority of the Local Government Board, or of the local authority, be liable for every such offence to a penalty not exceeding *five pounds*.

Penalty on obstructing execution of Act.
N. R. 1855, ss. 36, 37.

Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provisions of this Act, any justice to whom application is made in this behalf shall, by order

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D 4

A.D. 1877. in writing, require such occupier to permit the execution of any works required to be executed, provided that the same appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within twenty-four hours after the service on him of the order such occupier fails to 5 comply therewith, he shall be liable to a penalty not exceeding *five pounds* for every day during the continuance of such non-compliance.

If the occupier of any premises, when requested by or on behalf of the local authority to state the name of the owner of the 10 premises occupied by him, refuses or wilfully omits to disclose or wilfully mis-states the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding *five pounds*.

Penalty on
damaging
works, &c.
of local
authority.
San. 1866,
s. 45.

91. (307.) Any person who wilfully damages any works or 15 property belonging to any local authority shall be liable to a penalty not exceeding *five pounds*.

Substitution
in other Acts
of provisions
of this Act
for provisions
of repealed
Acts.

92. (313.) Where in any Act or order made by one of Her Majesty's Principal Secretaries of State or by the Local Government Board, and in force at the time of the passing of this Act, or in any 20 document, any provisions of any Act are mentioned or referred to which relate to the metropolis and are repealed by this Act, such Act, order, or document shall be read as if the provisions of this Act applicable to purposes the same as or similar to those of the repealed provisions were therein mentioned or referred to instead 25 of such repealed provisions, and were substituted for the same; nevertheless those substituted provisions shall have effect subject to any modification or restriction in such Act, order, or document expressed in relation to the repealed provisions therein mentioned or referred to. 30

Forms.
N. R. 1855,
s. 41.

93. (317.) The forms contained in the schedule to this Act, or forms to the like effect, varied as circumstances may require, may be used and shall be sufficient for all purposes.

Provision as
to execution
of Common
Lodging
Houses Acts.

94. The Commissioners of Police of the metropolis shall continue to be the local authority for executing the Common Lodging Houses 35 Acts, 1851 and 1853, within the metropolis (exclusive of the city of London), and shall have for the purposes of those Acts such powers as local authorities have under this Act for the abatement of nuisances; but the said Commissioners shall not be the local authority for the execution of those Acts within such parts of 40 the metropolitan police district as are not included in the metropolis.

95. The keeper of every common lodging house in the metropolis shall, if required in writing by the local authority so to do, affix and keep undefaced and legible a notice with the words "registered common lodging-house" in some conspicuous place on
 5 the outside of such house.

A.D. 1877.

Notice of registration to be affixed to houses.

P. H. 1874, s. 49.

The keeper of any such house who, after requisition in writing from the local authority, refuses or neglects to affix or renew such notice shall be liable to a penalty not exceeding *five pounds*, and to a further penalty of *ten shillings* for every day that such refusal
 10 or neglect continues after conviction.

96. In any proceedings taken in the metropolis under the provisions of any Act relating to common lodging-houses if the inmates of any house or part of a house allege that they are members of the same family the burden of proving such allegation
 15 shall lie on the persons making it.

Evidence as to family in proceedings.

San. 1866, s. 41.

97. Whereas under the Metropolitan Public Carriage Act, 1869, within the metropolitan police district licenses for hackney carriages are granted by and hackney carriages are under the control of one of Her Majesty's Principal Secretaries of State: And
 20 whereas doubts have arisen whether by reason of the incorporation in the Public Health Act, 1875, of the provisions of the Towns Police/Clauses Act, 1847, with respect to hackney carriages, the first-mentioned Act has been superseded in urban sanitary districts within the metropolitan police district, and it is expedient to
 25 remove such doubts: Be it enacted, that the provisions of the Metropolitan Public Carriage Act, 1869, shall be deemed to be in force within so much of every urban sanitary district as is situate within the limits for the time being of the metropolitan police district; and no such urban sanitary authority shall have power to license or control
 30 hackney carriages within any part of such last-mentioned district.

As to jurisdiction with respect to hackney carriages in the metropolitan police district.

98. (109.) Where two convictions against the provisions of any Act relating to the overcrowding of a house or the occupation of a cellar as a dwelling have taken place within a period of three months (whether the persons convicted were or were not the same),
 35 a court of summary jurisdiction may direct the closing of the house or cellar for such period as the Court may deem necessary, and in the case of cellars occupied as aforesaid may empower the local authority of the district permanently to close the same, in such manner as they think fit, at the cost of such authority.

Provision in case of two convictions for overcrowding or unlawfully occupying cellar dwelling. San. 1866- s. 36.

40 99. (110.) For the purposes of this Act any ship or vessel lying in any river, harbour, or other water within the district of a local authority shall be subject to the jurisdiction of that authority

Provision as to ships. San. 1866, ss. 30, 32.

A.D. 1877. in the same manner as if it were a house within such district; and any ship or vessel lying in any river, harbour, or other water not within the district of a local authority shall be deemed to be within the district of such local authority as may be prescribed by the Local Government Board, and where no local authority has 5 been prescribed, then of the local authority whose district nearest adjoins the place where such ship or vessel is lying.

The master or other officer in charge of any such ship or vessel shall be deemed for the purposes of this Act to be the occupier of such ship or vessel. 10

This section shall not apply to any ship or vessel under the command or charge of any officer bearing Her Majesty's commission, or to any ship or vessel belonging to any foreign government.

Powers of
port sani-
tary autho-
rity of port
of London.

100. The Local Government Board may by order assign to the port sanitary authority of the port of London any powers, rights, 15 duties, capacities, liabilities, or obligations of a local authority under this Act, or of a sanitary authority under the Public Health Act, 1875, and any Act extending or amending the same respectively; and the said port sanitary authority may exercise the powers with which they are invested by any such order over all 20 waters within the limits of such port, and also over such districts or parts of districts of riparian authorities as may be specified in any such order.

The port sanitary authority of the Port of London may, with the sanction of the Local Government Board, delegate to any riparian 25 authority the exercise of any powers conferred on such port sanitary authority by the order of the Local Government Board, but except in so far as such delegation may extend no other authority shall exercise any powers conferred on such port sanitary authority by the order of the Local Government Board within the 30 limits of the Port of London.

“Riparian authority” in this section means any local authority under this Act and any sanitary authority under the Public Health Act, 1875, conservators, Commissioners, or other persons having authority in or over any part of the Port of London. 35

Consent of
Local
Government
Board
required in
certain cases.

101. The consent of the Local Government Board and not that of the Treasury shall be required to the borrowing of money for the purposes of the execution of the Baths and Washhouses Acts within the Metropolis.

In this section the expression “Baths and Washhouses Acts” 40 means 9 and 10 Vict. c. 74., (An Act to encourage the establishment of Public Baths and Washhouses), and 10 and 11 Vict. c. 61.

(An Act to amend the Act for the establishment of Public Baths and Washhouses). A.D. 1877.

102. Any order made under the powers of this Act by the Local Government Board may be from time to time amended, altered, or revoked by a subsequent order of the Board.

Orders of
Local Go-
vernment
Board.

Saving Clauses.

103. All committees of local authorities appointed under any Act hereby repealed and existing at the time of the passing of this Act shall be deemed to be committees appointed under this Act, and their members shall hold office for such time as they would have held office if this Act had not been passed; and all officers and servants of local authorities appointed under or for the purposes of any Act hereby repealed, shall be deemed to have been appointed under or for the purposes of this Act, and shall hold their several offices and employments on the same terms and subject to the same conditions as to duties, remuneration, and otherwise as they would have held them if this Act had not been passed; and all byelaws, regulations, and notices duly made or issued under any Act hereby repealed and not inconsistent with any of the provisions of this Act shall be deemed to have been duly made or issued under this Act; and generally the provisions of this Act shall apply in substitution for the corresponding provisions of the Acts hereby repealed, but so as not to affect any right acquired or liability incurred under any Act hereby repealed and existing at the date of the passing of this Act.

Provision for
existing
committees
and officers
of local
authorities.

104. (332.) Nothing in this Act shall be construed to authorise any local authority to injuriously affect any reservoir canal river or stream, or the feeders thereof, or the supply quality or fall of water contained in any reservoir canal river stream or in the feeders thereof, in cases where any body of persons or person would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir canal river stream feeders, or such supply quality or fall of water, unless the local authority first obtain the consent in writing of the body of persons or person so entitled as aforesaid.

Saving for
water rights
generally.
Ib., ss. 44, 45.

105. (341.) All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by any Act of Parliament, law, or custom, and all such other powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed,

Powers of
Act to be
cumulative.
San. 1866,
s. 55.

A.D. 1877. — Provided that no person who has been adjudged to pay any penalty in pursuance of this Act shall for the same offence be liable to a penalty under any other Act.

Repeal of Acts.

Repeal of
Acts in
Schedule II.

106. (343.) The Acts specified in the second schedule to this 5
Act are hereby repealed, so far as they relate to the metropolis :

Provided that this repeal shall not affect—

(a.) Anything duly done or suffered under any enactment hereby repealed ; or

(b.) Any right or liability acquired, accrued, or incurred under 10
any enactment hereby repealed ; or

(c.) Any security given under any enactment hereby repealed ; or

(d.) Any penalty, forfeiture, or punishment incurred in respect
of any offence committed against any enactment hereby
repealed ; or

(e.) Any investigation, legal proceeding, or remedy in respect of 15
any such right, liability, security, penalty, forfeiture, or
punishment as aforesaid ; and any such investigation,
legal proceeding, and remedy may be carried on as if this
Act had not been passed ; or

(f.) The re-enactment by the Public Health Act, 1875, of any 20
provisions specified in Part III. of Schedule V. to that
Act.

SCHEDULES.

A.D. 1877.

SCHEDULE I.

FORMS.

FORM A.

5 *Form of Notice requiring Abatement of Nuisance.*

To [person causing the nuisance, or owner or occupier of the premises whereon the nuisance exists, as the case may be].

Take notice that under the provisions of the Public Health (Metropolis) Act, 1877, the [describe the local authority], being satisfied of the existence of
10 a nuisance at [describe premises or place where the nuisance exists], arising from [describe the cause of nuisance, for instance, want of a privy or drain; or, for further instance, a ditch or drain so foul as to be a nuisance or injurious to health; or, for further instance, swine kept so as to be a nuisance or injurious to health], do hereby require you within

15 from the service of this notice to abate the same, and for that purpose to
[state any things required to be done or works to be executed].

If you make default in complying with the requisitions of this notice, or if the said nuisance, though abated, is likely to recur, a summons will be issued requiring your attendance to answer a complaint which will be made to a court of summary jurisdiction for enforcing the abatement of the nuisance, and prohibiting a recurrence thereof, and for recovering the costs and penalties that may be incurred thereby.

Dated this day of 18

Signature of officer }
of local authority }

FORM B.

Form of Summons.

Summons.

To the owner or occupier of [describe premises], situated at [insert such a
30 description as may be sufficient to identify the premises], or to A.B. of .

County of, &c.,
to wit.

{ You are required to appear before [*describe the court of*
{ *summary jurisdiction*], at the petty sessions [*or court*]

holden at

on the

day of

next,

[187.]

F 2

A.D. 1877. at the hour of _____ in the _____ noon, to answer the complaint this
 day made to me by _____ that in or on the premises
 above mentioned [*or in or on certain premises situated at No. _____ in the*
street in the parish of _____ or other such description or reference as
may be sufficient to identify the premises], in the district, under the Public 5
 Health (Metropolis) Act, 1877, of [*describe the local authority*], the following
 nuisance exists [*describing it, as the case may be*], and that the said nuisance
 is caused by the act or default of the occupier [*or owner*] of the said premises,
or by you A.B. [or in case the nuisance be discontinued, but likely to be
repeated, say, there existed recently, to wit, on or about the _____ day of 10
 _____ on the premises, the following nuisance [*describe the*
nuisance], and that the said nuisance was caused [*&c.*], and although the same
 has since the said last-mentioned day been abated or discontinued, there is
 reasonable ground to consider that the same or the like nuisance is likely to
 recur on the said premises]. 15
 Given under my hand and seal this _____ day of _____ 18 .
 J.S. (L.S.)

FORM C.

Form of Order for Abatement or Prohibition of Nuisance.

To the owner [*or occupier*] of [*describe the premises*] situated [*give such 20*
description as may be sufficient to identify the premises], or to A.B. of _____
 County of, &c., } WHEREAS on the _____ day of _____
 to wit. } complaint was made before _____ Esquire, one
 of Her Majesty's justices of the peace acting in and for the county [*or other 25*
jurisdiction] stated in the margin, [*or as the case may be,*] by _____
 that in or on certain premises situated at _____ in the district
 under the Public Health (Metropolis) Act, 1877, of [*describe the local autho-*
rity] the following nuisance then existed [*describing it*]; and that the said
 nuisance was caused by the act or default of the owner [*or occupier*] of the
 said premises [*or was caused by A.B.*] [*If the nuisance have been removed 30*
say, the following nuisance existed on or about [the day the nuisance was
ascertained to exist], and that the said nuisance was caused, &c., and although
 the same is now removed, the same or the like nuisance is likely to recur on
 the same premises.]

And whereas _____ the owner [*or occupier*] within the 35
 meaning of the said Public Health (Metropolis) Act, 1877, [*or the said A.B.,*]
 hath this day appeared before us [*(or me) describing the court*], to answer the
 matter of the said complaint [*or in case the party charged do not appear, say,*
 and whereas it hath been this day proved to our (*or my*) satisfaction that a
 true copy of a summons requiring the owner [*or occupier*] of the said premises 40
 [*or the said A.B.*] to appear this day before us [*or me*]
 hath been duly served according to the said Act.

Now on proof here had before us [*or me*] that the nuisance so complained
 of doth exist on the said premises, and that the same is caused by the act or

A.D. 1877.

default of the owner [*or occupier*] of the said premises [*or by the said A.B.*], we [*or I*], in pursuance of the said Act, do order the said owner [*or occupier, or A.B.*] within [*specify the time*] from the service of this order or a true copy thereof according to the said Act [*here specify any things required to be done*]
5 *or works to be executed, as, for instance*, to provide for the cleanly and wholesome keeping of, *or*, to remove the animal kept so as to be a nuisance or injurious to health; *or, for further instance*, to cleanse, whitewash, purify, and disinfect the said dwelling-house; *or, for further instance*, to construct a privy *or* drain, &c.; *or, for further instance*, to cleanse *or* to cover *or* to fill
10 up the said cesspool, &c.), so that the same shall no longer be a nuisance or injurious to health as aforesaid.

[And if it appear to the court that the nuisance is likely to recur on the premises, say [And we] [or I] being satisfied that, notwithstanding the said cause or causes of nuisances may be removed under this order, the same is or
15 are likely to recur, do therefore prohibit the said owner [or occupier, or A.B.,] from [here insert the matter of the prohibition, as, for instance,] from using the said house or building for human habitation until the same, in our [or my] judgment, is rendered fit for that purpose.]

In case the nuisance were removed before complaint, say, Now, on proof
20 here had before us [or me] that at or recently before the time of making the
said complaint, to wit, on _____ as aforesaid, the cause of
nuisance complained of did exist on the said premises, but that the same hath
since been removed, yet, notwithstanding such removal, we [or I] being
satisfied that it is likely that the same or the like nuisance will recur on
25 the said premises, do hereby prohibit [*order of prohibition*]; and if this
order of prohibition be infringed, then we [or I] [*order on local authority to
do works*].

Given under the hands and seals of us, [*or the hand and seal of me,*
describing the court].

30 This day of 18 .
J.S. (L.S.)
J.P. (L.S.)

FORM D.

Form of Order for Abatement of Nuisance by Local Authority.

35 To the _____, as the case may be.
County of, &c., } WHEREAS [*recite complaint of nuisance as in last form.*
to wit.

And whereas it hath been now proved to our [or my] satisfaction that such nuisance exists, but that no owner or occupier of the premises, or person
40 causing the nuisance, is known or can be found [as the case may be]; Now we [or I], in pursuance of the said Act, do order the said [local authority, naming it,] forthwith to [here specify the works to be done].

Given, &c., (as in last form).

A.D. 1877.

FORM E.

Order of Justice for Admission of Officer of Local Authority.

WHEREAS [*describe the local authority*] have by their officer [*naming him*] made application to me *A.B.*, one of Her Majesty's justices of the peace having jurisdiction in and for [*describe the place*], and the said officer has made oath 5 to me that demand has been made pursuant to the provisions of the Public Health (Metropolis) Act, 1877, for admission to [*describe situation of premises so as to identify them*], for the purpose of [*describe the purpose, as the case may be*], and that such demand has been refused.

Now, therefore, I the said *A.B.* do hereby require you [*name the person* 10 *having custody of the premises*], to admit the said [*name the local authority*], [*or the officer of the said local authority*], to the said premises, for the purpose aforesaid.

Given, &c. (*as in last form*).

SCHEDULE II.

A.D. 1877.

ENACTMENTS which have been already repealed are in some instances included in this repeal, in order to avoid the necessity of reference to previous Statutes.

5	Session and Chapter.		Title or Short Title.
	18 & 19 Vict. c. 116.	- -	The Diseases Prevention Act, 1855.
	18 & 19 Vict. c. 121.	- -	The Nuisances Removal Act for England, 1855.
10	23 & 24 Vict. c. 77.	- -	An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.
	26 & 27 Vict. c. 117.	- -	The Nuisances Removal Act for England (Amendment) Act, 1863.
15	29 & 30 Vict. c. 41.	- -	The Nuisances Removal (No. 1.) Act, 1866.
	29 & 30 Vict. c. 90.	- -	The Sanitary Act, 1866.
	31 & 32 Vict. c. 115.	- -	The Sanitary Act, 1868.
	32 & 33 Vict. c. 100.	- -	The Sanitary Loans Act, 1869.
	33 & 34 Vict. c. 53.	- -	The Sanitary Act, 1870.
20	35 & 36 Vict. c. 79.	- -	The Public Health Act, 1872.
	37 & 38 Vict. c. 89.	- -	The Sanitary Law Amendment Act, 1874.

Public Health (Metropolis)

A

B I L L

To consolidate and amend the Law relating
Public Health in the Metropolis.

*(Prepared and brought in by
Mr. Selater-Booth and Mr. Salt.)*

*Ordered, by The House of Commons, to be Printed,
4 June 1877.*

[Bill 187.]

Under 6 oz.

Public Health (Metropolis) Bill.

Statement showing the Object and General Effect on the existing Law of the Bill.

By the Public Health Act, 1875 (38 & 39 Vict. c. 55.), the following Acts were repealed, except so far as relates to the Metropolis;* (namely,)

18 & 19 Vict. c. 116. (Diseases Prevention Act, 1855.)

18 & 19 Vict. c. 121. (Nuisances Removal Act for England, 1855.)

23 & 24 Vict. c. 77. (An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.)

26 & 27 Vict. c. 117. (Nuisances Removal Act for England Amendment Act, 1863.)

29 & 30 Vict. c. 41. (Nuisances Removal (No. 1) Act, 1866.)

29 & 30 Vict. c. 90. (Sanitary Act, 1866.)

31 & 32 Vict. c. 115. (Sanitary Act, 1868.)

32 & 33 Vict. c. 100. (Sanitary Loans Act, 1869.)

33 & 34 Vict. c. 53. (Sanitary Act, 1870.)

35 & 36 Vict. c. 79. (Public Health Act, 1872.)

The Acts thus repealed were by the Act of 1875 (as regards England, exclusive of the Metropolis) consolidated with amendments, but as regards the Metropolis they were left standing, to be dealt with on a future occasion.

It should be observed that in 1871 all the powers of the Secretary of State and Privy Council under the above Acts were transferred to the Local Government Board by the 34 & 35 Vict. c. 70., the Act constituting the Board.

The object of the present Bill is to complete the work left undone by the Act of 1875, and to repeal and consolidate for the Metropolis the above-mentioned Acts, as has been already done for the rest of England. The Bill is, therefore, strictly a Consolidation Bill, with the addition only of such new provisions as are hereafter specifically noticed.†

* And in the case of 29 & 30 Vict. c. 90., except so far as relates to Scotland or Ireland.

† The Public Health Act, 1875, also repealed 37 & 38 Vict. c. 89. (Sanitary Law Amendment Act, 1874), except as regards the metropolitan police district. Such of its provisions as affect that district are now repealed and dealt with by the Bill.

The following Statement shows the clauses which are taken substantially without alteration from the Acts now in force within the Metropolis: the clauses which are taken from these Acts but with some alteration, and draws special attention to the clauses which are altogether new.

The marginal notes to the clauses of the Bill indicate the sections of the several Acts from which they are taken.

PART I.—PRELIMINARY.

Beginning with Part I. of the Bill, there is no alteration as to the local authorities for the administration of the law, save that the peculiar cases of the Inns of Court, the Charterhouse, and the close of the Collegiate Church of St. Peter Westminster are expressly provided for.

Clause 7 is new, but will be noticed in connexion with clauses 68 and 69 to which it is auxiliary.

PART II.—SANITARY PROVISIONS.

Clause
8.

Clauses 8 to 28 are a consolidation of the provisions of the existing Nuisances Removal Acts, for the abatement of nuisances and the regulation of offensive trades.

Sub-section 5 of clause 8 follows the precedent of sub-section 5 of clause 91 of the Public Health Act, 1875, in clearing up a doubt that has been raised under the enactment from which it is taken, and which relates to overcrowding, by the insertion of the words "whether or not members of the same family."

Clause
13.

This clause, following the precedent of section 96 of the Public Health Act, 1875, empowers the justices to impose a penalty when making an order for the abatement of a nuisance instead of waiting until the order is disobeyed.

Clause
22.

Under section 16 of the Sanitary Act, 1866, it may in some cases be doubted who is the "chief officer of police" within the meaning of that section; this clause, like section 106 of the Public Health Act, 1875, therefore omits the word "chief."

Clause
24.

This clause is new. It will be recollected that the like power was given to sanitary authorities under section 108 of the Public Health Act, 1875, which extends partially to the Metropolis. This clause in fact only extends the power to local authorities in the Metropolis *inter se*.

Section 21 of 18 & 19 Vict. c. 121. (*Surveyors of highways to cleanse ditches, &c., paying owners, &c. for damages*) and section 22 of the same Act (*Power to local authority to cover and improve open ditches*) are omitted, as being virtually covered by the pro-

visions of the Metropolis Management Acts. They were omitted from the Public Health Act, 1875.

An offender against the provisions relating to offensive trades of section 27 of the Nuisances Removal Act, 1855, which are embodied in this clause, might at his option, under section 28 of that Act, compel the local authority to abandon all proceedings before the justices, and to take proceedings in a superior court. This latter enactment has been omitted, since it amounted practically in some cases to depriving the local authority altogether of remedy.

Clause
27.

The burden of showing that the best practicable means have been used is thrown on the defendant.

The observations on clause 24 apply to this clause.

Clause
28.

Clauses 29 to 32 re-enact the existing provisions of the Nuisances Removal Act, 1863, as amended by the Sanitary Law Amendment Act, 1874, with respect to the seizure of unsound meat, &c.

Clauses
29-32.

Clauses 33 to 36 re-enact the provisions as to water of the Nuisances Removal Acts as amended by the Sanitary Law Amendment Act, 1874.

Clauses
33-36.

Clause 37 (*Byelaws as to houses let in lodgings*) is also a re-enactment of the existing law.

Clause
37.

Clauses 38 to 48 (*Infectious diseases*) and clauses 49 to 55 (*Special regulations in case of epidemic diseases*) re-enact, with slight verbal alteration, and with a simplification of procedure, the existing law. The existing power of the Local Government Board to declare a hospital within a convenient distance of the district of a local authority to be within such district for the purpose of the removal of certain infected persons is taken away.

Clauses
38-48,
49-55.

With respect to the clauses relating to hospitals, clauses 56 and 58 re-enact the existing law.

Clauses
56-64.

Clause 57 is new, but is taken from section 132 of the Public Health Act, 1875.

Clause
57.

As to clauses 59 to 63, it should be stated that under the existing law local authorities are authorised to combine in providing a common hospital, but owing to the absence of any machinery for that purpose, difficulties have arisen in carrying this enactment into effect. These clauses provide the requisite machinery by enabling local authorities to apply for and obtain an order from the Local Government Board combining them for the purpose of providing and managing a common hospital, and to borrow for the purpose of providing a hospital. Their operation is not compulsory.

Clauses
59-63.

The power for the managers of the metropolitan asylum district to contract with local authorities for the reception in any hospital

Clause
64.

under the control of such managers of persons suffering from infectious disease, is new.

Clauses
65-67.

The present law enables local authorities to provide mortuaries. Clause 65, following the precedent of section 141 of the Public Health Act, 1875, imposes on the local authority the obligation of making such provision, if required by the Local Government Board to do so, and enables them to borrow for the purpose.

Clauses
68, 69.

Clauses 68 and 69, which invest the Commissioners of Sewers within the City of London and the Metropolitan Board of Works within the rest of the Metropolis with the power of making byelaws for the removal of refuse, &c., from the sites of intended dwelling-houses, and for the regulation of dairies and cowsheds, are new. Clause 7, to which reference has already been made, provides for any expenses which may be incurred by the Metropolitan Board of Works under these enactments.

PART III.—GENERAL PROVISIONS.

This part is substantially a consolidation of the existing law as to legal proceedings and so forth, and requires but little notice.

Clause
72.

Clause 72 is copied from section 253 of the Public Health Act, 1875, which is in substance a re-enactment of section 133 of the Public Health Act, 1848.

Clause
74.

Clause 74 is taken from section 255 of the Public Health Act, 1875, but is in effect only an amplification of sections 33 and 34 of the Nuisances Removal Act, 1855.

Clauses
77, 78.

Clauses 77 and 78 also are taken from the Public Health Act, 1875.

Clauses
85-88.

These clauses (power of Local Government Board to enforce performance of duty by defaulting local authority) re-enact the existing law.

PART IV.—MISCELLANEOUS AND SAVING CLAUSES, AND REPEAL.

Clause
94.

This clause is introduced to clear up a doubt which had arisen with respect to the jurisdiction of sanitary authorities under the Public Health Act, 1875, over common lodging houses outside the Metropolis but within the metropolitan police district.

Clause

The recital prefixed to this clause explains it.

97.

Clause

101.

The consent of the Local Government Board and not that of the Treasury is already required elsewhere than in the Metropolis for the borrowing of money under the Baths and Washhouses Acts.

The saving for mines and for the smelting of ores and minerals, and the manufacturing the produce of such ores and minerals, contained in section 44 of the Nuisances Removal Act, 1855, is omitted as scarcely suitable to the circumstances of the Metropolis.

It will be observed that by this Bill the result is attained of finally clearing the Statute Book of 11 statutes, all of which are already repealed as regards the rest of England.

Local Government Board,
July 5, 1877.

Public Health (Metro- polis) Bill.

Statement showing the Object
and General Effect on the
existing Law of the Bill.

6th July 1877.

A
B I L L

TO

Amend the Public Libraries Act (Ireland), 1855.

A.D. 1877.

WHEREAS it is expedient to amend the Public Libraries Act (Ireland), 1855, in the manner herein-after mentioned :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. In citing this Act for any purpose whatever it shall be sufficient to use the expression "The Public Libraries (Ireland) Amendment Act, 1877."
- 10 2. The term "principal Act" shall mean the Public Libraries Act (Ireland), 1855.
- 15 3. The terms "science and art" and "schools of science and art" used in said principal Act shall be deemed to include the science and art of music and schools of music respectively ; and the council or board of any borough, or the town commissioners of any town shall be at liberty to apply such portion as they may deem fit of the rate which they are or may be authorised to levy, under the provisions of the principal Act, towards the maintenance and support of, and payment of the salaries of teachers of, a school or
- 20 schools of music, and the purchase of musical instruments, books, and other requisites for the use of such school or schools.
4. From and after the passing of this Act, the several provisions of the sixteenth and seventeenth sections of the Public Libraries Act, 1855, shall extend to and may be applied to Ireland, so far as same are capable of being so applied.
5. The said principal Act and this Act shall be read and construed together as one Act.

Short title.

Interpretation.

Powers of principal Act extended to schools of music.

Incorporation of sections 16 and 17 of 18 & 19 Vict. c. 70.

Principal Act and this Act to be construed as one Act.

Public Libraries Act
(Ireland) Amendment.

A

B I L L

To amend the Public Libraries Act
(Ireland), 1855.

(Prepared and brought in by
Mr. Murphy, Mr. Maurice Brooks,
Mr. James Corry, and Mr. O'Siaghnessy.)

Ordered, by The House of Commons, to be Printed,
19 April 1877.

[Bill 141.]

Under 1 oz.

A
B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION OF BILL
AS AMENDED]

TO

Amend the Public Libraries Act (Ireland), 1855.

A.D. 1877.

WHEREAS it is expedient to amend the Public Libraries Act (Ireland), 1855, in the manner herein-after mentioned :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. In citing this Act for any purpose whatever it shall be sufficient to use the expression "The Public Libraries (Ireland) Amendment Act, 1877." Short title.

2. The term "principal Act" shall mean the Public Libraries Act (Ireland), 1855. Interpretation.

3. The terms "science and art" and "schools of science and art" used in said principal Act shall be deemed to include the science and art of music and schools of music respectively ; and the council or board of any borough or the town commissioners of any town shall be at liberty to apply such portion as they may deem fit of the rate which they are or may be authorised to levy, under the provisions of the principal Act, towards the maintenance and support of, and payment of the salaries of teachers of, a school or schools of music, and the purchase of musical instruments, books, and other requisites for the use of such school or schools. Powers of principal Act extended to schools of music.

4. The committee in which the general management, regulation and control of such libraries, museums, or schools may be vested under the provisions of the twelfth section of the principal Act, may consist in part of persons not members of the council or board or commissioners. Constitution of the committee of management.

5. For carrying the principal Act and this Act into execution the council, board, or commissioners respectively may, with the approval of the Commissioners of Her Majesty's Treasury, from [Bill 149.] Powers to borrow on mortgage.

A.D. 1877. time to time borrow, at interest, on the security of a mortgage or bond of the borough fund, or the town fund, or of the rates levied in pursuance of the principal Act, such sums of money as may be by them respectively required, and the Commissioners of Public Works in Ireland may from time to time advance and 5 lend any such sums of money. The clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money on mortgage or bond, and the accountability of officers, and the recovery of damages and penalties, so far as such provisions may respectively be applicable to the purposes of 10 the principal Act and of this Act, shall be respectively incorporated therewith.

Principal
Act and
this Act to
be construed
as one Act.

6. The said principal Act and this Act shall be read and construed together as one Act.

Public Libraries Act (Ireland) Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION OF BILL AS AMENDED]

To amend the Public Libraries Act
(Ireland), 1855.

*(Prepared and brought in by
Mr. Murphy, Mr. Maurice Brooks,
Mr. James Corry, and Mr. O'Shaughnessy.)*

*Ordered, by The House of Commons, to be Printed,
27 April 1877.*

[Bill 149.]

Under 1 oz.

A

B I L L

TO

Amend the Public Libraries Acts.

A.D. 1877.

WHEREAS it is expedient to amend "The Public Libraries Act, 1855," "The Public Libraries Amendment Act, 1866," and "The Public Libraries Act, 1855, Amendment Act, 1871," in the manner herein-after stated :

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Wherever the said recited Acts have been or shall hereafter
 10 be adopted in the manner and according to the provisions therein
 contained, there may be levied or expended for the purposes of
 the said Acts any sum in any one year not exceeding *twopence*
 in the pound.

Rate of 2*d.*
 in the pound
 may be levied
 for purposes
 of said Acts.

2. This Act may be cited as "The Public Libraries Act, 1855,
 15 Amendment Act, 1877."

Short title.

Public Libraries Acts Amendment.

A

B I L L

To amend the Public Libraries Acts.

(Prepared and brought in by
*Mr. Mundella, Sir J. Lubbock, Mr. Chamberlain,
and Mr. Anderson.*)

*Ordered, by The House of Commons, to be Printed,
14 February 1877.*

[Bill 84.]

Under 1 oz.

A
B I L L

TO

Amend the Public Libraries Acts.

A.D. 1877.

WHEREAS by the Public Libraries Acts, 18 & 19 Victoria, c. 40.,
for Ireland; 29 & 30 Victoria, c. 114., for England; and
30 & 31 Victoria, c. 37., for Scotland, the mode by which the Act is
to be adopted is prescribed to be by public meeting, and it has been
5 found that in many cases a public meeting is a most incorrect and
unsatisfactory mode, and fails to indicate the general opinion of the
ratepayers, and it is desirable to ascertain these opinions more
correctly:

Be it enacted by the Queen's most Excellent Majesty, by and
10 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows:

1. It shall be competent for the prescribed local authority in any
place or community which has the power to adopt one of the above
15 recited Acts, to ascertain the opinions of the majority of the rate-
payers either by the prescribed public meeting or by the issue of
a voting paper to each ratepayer, and the subsequent collection and
scrutiny thereof, and any expense in connexion with such voting
papers shall be borne in the same way as the expense of a public
20 meeting would be borne, and the decision of the majority so ascer-
tained shall be equally binding.

Ratepayers
opinions
may be
ascertained
by voting
papers.

2. In addition to the simple vote "Yes" or "No" to the adoption
of the Act, such voting paper may stipulate that its adoption shall
be subject to a limitation to some lower rate of assessment than the
25 maximum allowed by Act of Parliament in force at the time, and
such lower limit, if once adopted, shall not be subsequently altered
except by public vote similarly taken.

Ratepayers
may stipulate
for modified
assessment.

[Bill 136.]

A.D. 1877.

Definition.

3. "Ratepayer" shall mean every inhabitant who would have to pay the Free Library assessment in event of the Act being adopted.

Short title.

4. This Act may be cited as the Public Libraries Amendment Act, 1877.

Public Libraries Acts Amendment (No. 2).

A

B I L L

To amend the Public Libraries Acts.

*(Prepared and brought in by
Mr. Anderson, Mr. Mundella, and
Mr. O'Shaughnessy.)*

*Ordered, by The House of Commons, to be Printed,
16 April 1877.*

[Bill 136.]

Under 1 oz.

A

B I L L

TO

Remit certain Loans formerly made out of the Consolidated Fund or other Public Revenue of the United Kingdom. A.D. 1877.

WHEREAS certain advances out of the Consolidated Fund or other public revenue of the United Kingdom have been made for the objects mentioned in the schedule to this Act, and the account of each of these advances shows the amount mentioned in that schedule, together with interest, to be unpaid, and due to the Consolidated Fund :

And whereas in the case of the advance for the purchase of a Bankruptcy Court it is doubtful whether the amount has not been virtually repaid, and in the case of certain other advances it is doubtful whether the advance has not been remitted, and in the case of all the said advances there is no prospect of recovering any further amount by way of principal or interest, and it is inexpedient to keep open for any further period the account of such advances :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Public Loans Remission Act, Short title. 1877.

20 2. The debts due to the Consolidated Fund mentioned in the schedule to this Act, and all arrears of interest thereon, shall, *after the passing of this Act*, but subject to the provisions contained in the schedule, be extinguished, and the amount of debt so extinguished shall be considered as a free grant from Parliament.

Extinguish-
ment of
debts in
schedule.

SCHEDULE.

Objects of Advance.	Acts under which Advance was made.	Amount Advanced.	Amount Repaid.	Principal Outstanding.	Account of Advance and reason for Remission.
LONDON.—Bankruptcy Court.	1 & 2 Geo. 4. c. 115. s. 8.	£ 22,300 0 0	£ 10,000 0 0	£ 12,300 0 0	<p>The money was advanced for purchasing the site of and building the Bankruptcy Court in Basinghall Street, in pursuance of addresses from the House of Commons in 1819 and 1821, which were carried into effect by the Act 1 & 2 Geo. 4. c. 115. The amount was to be repaid out of certain fees to be received for the use of the room under each commission of bankruptcy; but the Act made no provision for the payment of any interest on the loan. 10,000<i>l.</i> was repaid in the financial year 1832-3. In 1849, by 12 & 13 Vict. c. 106., the court, with the site, was (s. 60) vested in the Commissioners of the Court, and the Lord Chancellor was (s. 63) authorised out of "the unclaimed dividend account" to order repayment to the Treasury of the balance due in respect of the sums advanced for the purchase of the site, and for the erection and fitting up of the building. In 1861, by 24 & 25 Vict. c. 134., the court and site were vested in the Commissioners of Her Majesty's Works, to be appropriated to such purpose as the Lord Chancellor should direct. Section 60 of the Act of 12 & 13 Viet. c. 106. was repealed, s. 63 remained in force. In 1869, by 32 & 33 Vict. c. 91., the court and site were (s. 15) continued vested in the Commissioners of Works, and to be appropriated as the Lord Chancellor, with the concurrence of the Treasury, should from time to time direct. By the same Act 244,387<i>l.</i> 19<i>s.</i> 1<i>d.</i> stock, and 6,064<i>l.</i> 6<i>s.</i> 8<i>d.</i> cash, standing to the</p>

Objects of Advance.	Acts under which Advance was made.	Amount Advanced.	Amount Repaid.	Principal Outstanding.	Account of Advance and reason for Remission.
		£ s. d.	£ s. d.	£ s. d.	
CARNARVON. — Revising list of burgesses.	5 & 6 Will. 4. c. 76. s. 20.	3,853 10 0	3,832 10 0	21 0 0	“unclaimed dividend account,” were transferred to the Commissioners for the Reduction of the National Debt, the stock being cancelled and the cash applied in reduction of debt. (Sections 9, 30, and second schedule.) The debt, therefore, has been virtually, though not in form, repaid. The amount was advanced under the Municipal Corporations Act in order to pay the remuneration of the barristers who were to revise the list of burgesses for the year 1835, instead of the mayors and assessors. The remuneration, together with the travelling and other expenses of these barristers, were to be paid by the Treasury, but the amount paid for remuneration alone was to be recovered from the boroughs. In 1849, when the accounts were intended to be finally closed, the borough of Carnarvon failed to repay the 21 <i>l</i> . No steps, however, were taken to compel such repayment, and it would be impossible now to put forward the claim. The first advance was made to the Canal Company in 1799 on the security of the rates and duties of the canal, with interest at 5 per cent. Further advances were made in 1805 and the subsequent years up to 1817. No sum has ever been paid in respect either of principal or interest. In 1817 the advance had been made to the Commissioners of the Caledonian Canal, who had practically the control of the canal instead of the company, and in 1848 the canal was by 11 & 12 Vict. c. 54. vested in those Commissioners free from all claims by the company or any person claiming through them. In 1859 grants of public money, amounting to 17,000 <i>l</i> ., were made for repairing the works of the Crinan Canal, and by 23 & 24 Vict. c. 46. s. 25, all rates levied are to be expended on the improvement of the canal.
CRINAN CANAL	33 Geo. 3. c. 104. 45 Geo. 3. c. 85. 51 Geo. 3. c. 117. 56 Geo. 3. c. 135.	74,400 0 0	- - -	74,400 0 0	

Objects of Advance.	Acts under which Advance was made.	Amount Advanced.	Amount Repaid.	Principal Outstanding.	Account of Advance and reason for Remission.
		£ s. d.	£ s. d.	£ s. d.	By allowing these Acts to pass, the Government virtually abandoned their claim to the repayment of the debt; and even were it otherwise, the surplus revenue of the Crinan Canal is so small that it may at any time be absorbed in expenses, and would afford no prospect of any repayment of the principal or interest.
GLASGOW AND CARLISLE ROADS.	56 Geo. 3. c. lxxxiii. (Local.)	-	-	-	The loan was advanced in 1816 at 5 per cent. on the security of the surplus of the road tolls and duties after payment of the repairs of the road and the interest on money privately subscribed. The amount was divided between the Scotch section, the English section, and the building of the Beattock Inn by the Acts subsequent to 1816, but a portion originally lent to the Scotch section was afterwards applied towards the expenses of the English section. Until 1845 there was no surplus. Between that year and 1848, in consequence of the making of the railway, there was a surplus, which was paid into the Exchequer, and the Treasury accepted a sum of 11,911 <i>l.</i> 15 <i>s.</i> 6 <i>d.</i> as arrears of interest on the Scotch section up to the 30th of June 1848. A certain amount has since been received from the Scotch section in respect of principal, and from the English section and Beattock Inn on account of interest. On the Scotch section there is a prior debt of 20,688 <i>l.</i> 4 <i>s.</i> 3 <i>d.</i> due to private creditors, and the receipts have for many years proved insufficient to discharge the interest on this private loan. On the English section the expenditure has for many years exceeded the revenue. The rent of the inn is the only sum continued to be received, and the value of the inn may be accepted
(1.) Scotch section	-	12,145 18 9 {	300 0 0 1,809 9 7 }	10,036 9 2	
(2.) English section	-	33,333 18 5	Nil.	33,333 18 5	
(3.) Beattock Inn	-	4,520 2 10	Nil.	4,520 2 10	
		50,000 0 0	2,109 9 7	47,890 10 5	

Objects of Advance.	Acts under which Advance was made.	Amount Advanced. £ s. d.	Amount Repaid. £ s. d.	Principal Outstanding. £ s. d.	Account of Advance and reason for Remission.
QUEENSPERRY.—Firth of Forth.	54 Geo. 3. c. 138.	10,000 0 0	Nil.	10,000 0 0	<p><i>pro tanto</i> in discharge of the loan, but otherwise there is no prospect of any sum being recovered either for principal or interest. The inn being the property of the Government will be sold, and until it is sold the rent of the inn will be paid into the Exchequer as miscellaneous revenue. So far as regards the interest of the Crown in the inn, the debt is to be treated as not remitted until after the sale, and the Crown will retain the same rights, title, interest, and remedies in respect of the inn as they would have if the inn continued to be charged with the payment of the whole loan advanced out of public revenue, and for this purpose the inn shall be deemed to continue to be so charged.</p> <p>The money was advanced on the security of the rates and tolls, with a view to complete the improvements of the ferry by the erection of piers on each side, and was to be repaid with interest at 5 per cent. In 1830 the ferry was vested in new trustees by 11 Geo. 4. c. 115. (Local), but the debt was reserved and charged on the new rates. In 1863 the North British Railway Company were empowered by 26 & 27 Vict. c. 213. s. 36. to buy up the ferry, and in the event of their not purchasing within two years the Edinburgh and Glasgow Railway Company were empowered by 26 & 27 Vict. c. 237. (Local) s. 31. to buy. In both Acts the right of the Crown to the debt was reserved. The North British Railway Company did not purchase, but having acquired in 1865, the undertaking and powers of the Edinburgh and Glasgow Railway Company, under those powers agreed in 1867 to buy the ferry for 4,500<i>l</i>. This sum was deposited in a</p>

Objects of Advance.	Acts under which Advance was made.	Amount Advanced.	Amount Repaid.	Principal Outstanding.	Account of Advance and reason for Remission.
		£. s. d.	£. s. d.	£. s. d.	
FIFE AND MID- LOTHIAN FERRIES.	53 Geo. 3. c. cxcv. (<i>Local</i> .)	10,000 0 0	Nil.	10,000 0 0	<p>bank, and proceedings were taken in the Court of Session for distributing the amount. As it appeared that creditors had charges prior to that of the Government for debts largely exceeding the amount of the purchase money, it was considered useless to make any claim on the part of the Crown, and the purchase money was divided among the preference creditors. Consequently the debt is irrecoverable.</p> <p>The money was advanced to the local authorities for improving the communication between the counties of Edinburgh and Fife, by the ferries from Leith and Newhaven on the south side, and Kinghorn and Burntisland on the north side of the Firth of Forth. It was lent without interest, on the security of the tolls and on condition of an equal amount being subscribed privately. In 1838 the ferries were admittedly insolvent; applications for further Government aid had been repeatedly refused and the Treasury refused to have anything more to do with the ferries, but no steps appear to have been taken to formally remit the debt. The traffic which formerly went by these ferries has now almost entirely been diverted to the North British Railway ferries between Granton and Burntisland.</p>
WELLAND CANAL, CANADA.	9 Geo. 4. c. 91.	50,000 0 0	Nil.	50,000 0 0	<p>In consequence of applications by the colony for assistance towards completing the Welland Canal connecting the lakes of Ontario and Erie, an offer was made by the Imperial Government to the colony either of a grant of one ninth of the expenses of constructing the canal, or of a loan of 50,000<i>l</i>. The loan was adopted and was made to the president and directors of the Canal Company</p>

Objects of Advance.	Acts under which Advance was made.	Amount Advanced.	Amount Repaid.	Principal Outstanding.	Account of Advance and reason for Remission.
SHUBENACCADIE CANAL.	11 Geo. 4. & 1 Will. 4. c. 34.	£ 20,000 0 0	£ Nil.	£ 20,000 0 0	<p>on the security of a mortgage of the tolls and profits, to be repaid in 10 years with interest of 4 per cent., and the canal was to be completed in five years. The company failed to complete the canal, and no payment was ever made for principal or interest. After the company failed, the Colonial Government undertook the works, and in 1840 a Colonial Act was passed for the transfer of the canal from the company to the Colonial Government. Neither upon this transfer, nor subsequently, have the Imperial Government ever made any claim to have their debt repaid out of the future profits of the canal.</p> <p>The money was advanced in 1830 to a company to establish an inland communication for connecting Halifax with the agricultural and mineral districts on the Bay of Fundy. The loan was advanced on a mortgage of the land on the line of the canal and of the works, tolls and rates to be repaid in 10 years with interest at 4 per cent. In 1838 the undertaking had failed, owing to the defective execution of the works. In 1849 the Canadian Government informed the Secretary of State that owing to some defect in the mortgage, claims might be established to the property in priority to the mortgage. In 1851 the mortgage was foreclosed and the property sold to the Colonial Government for 4047. The Imperial Government in January 1852 surrendered their claim to this sum and only required a guarantee for the right of free passage in the event of the canal being completed by the locality. The debt was thus virtually remitted in 1852.</p>

Objects of Advance.	Acts under which Advance was made.	Amount Advanced.	Amount Repaid.	Principal Outstanding.	Account of Advance and reason for Remission.
NEW ZEALAND COMPANY.	9 & 10 Vict. c. 42.	£ 236,000	£ Nil.	£ 236,000	In 1845 the New Zealand Company applied for the loan, and at the same time claimed compensation for injury received by reason of the passing of certain Acts of the Imperial Parliament, and of the local legislature since the formation of the company, and in 1846, 100,000 <i>l.</i> was lent to the company on a mortgage of their landed property, to be repaid with interest at 3 per cent. in seven years. The company soon applied for a further loan, together with a further claim for damages. The Imperial Government admitted that the operations of the company had been advantageous to the colony, and a further advance of 136,000 <i>l.</i> was made. The Act 10 & 11 Vict. c. 112. (which authorised this loan), directed (s. 15) that no interest should be charged on that or on the former loan, and further provided (s. 19) that if the directors of the company gave notice to a Secretary of State that they were ready to surrender the charters of the company, the lands of the company should revert to Her Majesty as part of the demesne lands of the Crown in New Zealand, and (s. 20) that upon such reversion the claim in respect of the said loans should be remitted to the company. The above notice was given by the directors of the company on the 4th of July 1850 (14 & 15 Vict. c. 86.), and although the condition imposed by 10 & 11 Vict. c. 112. was fulfilled, the debt has never been formally cancelled.
	9 & 10 Vict. c. 82. 10 & 11 Vict. c. 112.	£ 236,000 0 0	£ Nil.	£ 236,000 0 0	
		476,553 10 0	15,941 19 7	460,611 10 5*	

* It may be stated that in addition to the sum outstanding on account of principal it is computed that the amount of simple interest unpaid in respect of these loans is not less than 500,000*l.*

Public Loans Remission.

A

B I L L

To remit certain Loans formerly made
out of the Consolidated Fund or
other Public Revenue of the United
Kingdom.

*(Prepared and brought in by
Mr. Raikes, Mr. Chancellor of the Exchequer,
and Mr. William Henry Smith.)*

*Ordered, by The House of Commons, to be Printed,
4 July 1877.*

[Bill 226.]

Under 2 oz.

Public Parks (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Application of Act and description of local authority.

Public Parks, Pleasure Grounds, &c.

3. Local authorities may provide places of public recreation.
4. Local authorities may make byelaws.

Purchase of Lands.

5. Power to purchase lands.
6. Regulations as to purchase of lands.
7. Power to let lands.

Provisional Orders by Secretary of State.

8. As to provisional orders made by Secretary of State.
9. Costs to be awarded in certain cases.
10. Costs of provisional order.

Acquisition of Land.

11. Acquisition of land.
12. Extinction of rights of way and other servitudes.

Expenses.

13. Separate account to be kept for the purposes of this Act.
14. Power of borrowing money for the purposes of this Act.
15. Audit of accounts.

Byelaws.

16. Authentication and alteration of byelaws.
17. Power to impose penalties on breach of byelaws.
18. Confirmation of byelaws.
19. Byelaws to be printed, &c.
20. Evidence of byelaws.

General Provisions.

Clause.

21. Provision where local authority has no seal.

Notices.

22. Service of notice on the local authority.
23. Authentication of notices served by the local authority.
24. Penalties how recovered.

Saving Clause.

25. Relation of local Acts to general Acts.

Definitions.

26. Construction of terms of Act.

SCHEDULE.

A

B I L L

TO

Enable Local Authorities to acquire and lay out land for A.D. 1877.
Public Parks and Pleasure Grounds in Scotland.

WHEREAS it is desirable to assimilate the laws respecting the acquisition of land by local authorities for certain purposes, otherwise than by agreement :

And whereas the Public Health Act, 1875, and the Artizans
5 Dwellings (Scotland) Act, 1875, contain powers in this respect which may with great advantage be extended.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,
10 and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited for all purposes as the Public Parks Short title.
(Scotland) Act, 1877.

2. This Act shall apply only to Scotland, and the local authority
15 shall be the local authority under the Public Health (Scotland) Act, 1867. Application of Act and description of local authority.

Public Parks, Pleasure Grounds, &c.

3. *From and after the passing of this Act* any local authority
20 may purchase or take on lease, lay out, plant, improve, and maintain lands for the purpose of being used as parks, public walks, or pleasure grounds, and may support or contribute to the support of parks, public walks, or pleasure grounds provided by any person whomsoever. Local authorities may provide places of public recreation. 38 & 39 Vict. s. 164.

4. Any local authority may make byelaws for the regulation of
25 any such parks, public walks, or pleasure grounds, and may by such byelaws provide for the removal from such parks, public walks, or pleasure grounds of any person infringing any such byelaw by any officer of the local authority or constable. Local authorities may make bye-laws. 38 & 39 Vict. s. 164.

[Bill 111.]

A

A.D. 1877.

Purchase of Lands.

Power to
purchase
lands.
38 & 39 Vict.
c. 55. s. 175.

5. Any local authority may, for the purposes and subject to the provisions of this Act, purchase or take on lease, sell, or exchange any lands, whether situated within or without their district.

Any lands acquired by a local authority in pursuance of any powers in this Act contained, and not required for the purpose for which they were acquired shall (unless the Secretary of State otherwise direct) be sold at the best price that can be gotten for the same, and the proceeds of such sale shall be applied towards discharge, by means of a sinking fund or otherwise, of any principal moneys which have been borrowed by such authority on the security or rate applicable by them for the general purposes of this Act, or if no such principal moneys are outstanding shall be carried to the account of any fund or rate of such local authority.

Regulations
as to pur-
chase of
lands.
38 & 39 Vict.
c. 55. s. 176.

6. With respect to the purchase of lands by a local authority for the purposes of this Act the following regulations shall be observed; (that is to say,)

- (1.) The Lands Clauses Consolidation (Scotland) Acts, to the extent herein-after mentioned, shall be incorporated with this Act:— Publish once at the least of each of *three* consecutive weeks in the month of *November*, in some local newspaper circulated in their district, an advertisement describing shortly the nature of the undertaking in respect of which the lands are proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands that they require; and shall further
- (2.) The local authority, before putting in force any of the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, shall serve a notice in the month of *December* on every owner or reputed owner, lessee, or reputed lessee, and occupier of such lands; defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such lands:
- (3.) On compliance with the provisions of this section with respect to advertisements and notices, the local authority may, if they think fit, present a petition to the Secretary of State. The petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and occupiers of lands who have assented, dissented, or

A.D. 1877.

are neuter, in respect of the taking such lands, or who have returned no answer to the notice; it shall pray that the local authority may, with reference to such lands, be allowed to put in force the powers of the said Lands Clauses Consolidation (Scotland) Acts with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Secretary of State may require:

(4.) On the receipt of such petition and on due proof of the proper advertisements having been published and notices served, the Secretary of State shall take such petition into consideration, and may either dismiss the same or direct a local inquiry as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners, lessees, and occupiers thereof:

(5.) After the completion of such inquiry, the Secretary of State may, by provisional order, empower the local authority to put in force, with reference to the lands referred to in such order, the powers of the said Lands Clauses Consolidation (Scotland) Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as he may think fit, and it shall be the duty of the local authority to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served.

Provided that the notices by this section required to be given in the months of November and December may be given in the months of *September and October*, or of *October and November*, but in either of such last-mentioned cases an inquiry preliminary to the provisional order to which such notices refer shall not be held until the expiration of one month from the last day of the second of the two months in which the notices are given; and any notices or orders by this section required to be served on a number of persons having any right in, over, or on lands in common may be served on any three or more of such persons on behalf of all such persons.

7. Any local authority may with the consent of the Secretary of State let for any term any lands which they may possess as and when they can conveniently spare the same.

Power to let lands.

A.D. 1877.

Provisional Orders by Secretary of State.

As to pro-
visional
orders made
by Secretary
of State.
38 & 39 Vict.
c. 55. s. 297.

8. With respect to provisional orders authorised to be made by the Secretary of State under this Act the following enactments shall be made :

- (1.) The Secretary of State shall not make any provisional order 5
under this Act unless public notice of the purport of the
proposed order has been previously given by advertise-
ment in *two* successive weeks in some local newspaper
circulating in the district to which such provisional order
relates : 10
- (2.) Before making any such provisional order the Secretary of State
shall consider any objections which may be made thereto
by any persons affected thereby, and in cases where the
subject matter is one to which a local inquiry is applicable,
shall cause to be made a local inquiry, of which public 15
notice shall be given in manner aforesaid, and at which
all persons interested shall be permitted to attend and
make objections :
- (3.) The Secretary of State may submit to Parliament for con-
firmation any provisional order made by him in pursuance 20
of this Act, but any such order shall be of no force what-
ever unless and until it is confirmed by Parliament :
- (4.) If while the Bill confirming any such order is pending in
either House of Parliament a petition is presented against
any order comprised therein, the Bill, so far as it relates 25
to such order, may be referred to a Select Committee,
and the petitioner shall be allowed to appear and oppose as
in the case of private Bills :
- (5.) The Secretary of State may revoke, either wholly or par-
tially, any provisional order made by him before the same 30
is confirmed by Parliament, but such revocation shall not
be made whilst the Bill confirming the order is pending
in either House of Parliament :
- (6.) The making of a provisional order shall be *prima facie*
evidence that all the requirements of this Act in respect 35
of proceedings required to be taken previously to the
making of such provisional order have been complied
with :
- (7.) Every Act confirming any such provisional order shall be
deemed to be a public general Act. 40

9. Where any Bill for confirming a provisional order under this Act is referred to a Committee of either House of Parliament upon the petition of any person opposing such Bill, the Committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the Bill, as the Committee may think just.

A.D. 1877.

Costs to be
awarded in
certain cases.
38 & 39 Vict.
c. 49. s. 7.

Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven.

The decision of the majority of the members of the Committee for the time being present and voting on any question under this section shall be deemed to be the decision of the Committee.

10. The reasonable costs of any local authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Secretary of State, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the local authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Secretary of State, the local authority may contract a loan for the purpose of defraying such costs.

Costs of
provisional
order.
38 & 39 Vict.
c. 55. s. 298.

25

Acquisition of Land.

11. The clauses of the Lands Clauses Consolidation (Scotland) Acts, 1845, with respect to the purchase and taking of lands otherwise than by agreement, shall not, except to the extent set forth in the schedule hereto, apply to any lands taken in pursuance of this Act, but, save as aforesaid, the said Lands Clauses Consolidation (Scotland) Acts, as amended by the provisions contained in the schedule hereto, shall regulate and apply to the purchase and taking of lands in Scotland, and shall for that purpose be deemed to form part of this Act in the same manner as if they were enacted in the body thereof, subject to the provisions following; that is to say,

Acquisition
of land.
38 & 39 Vict.
c. 49. s. 18.

(1.) This Act shall authorise the taking by agreement any lands which the local authority may require for the purposes of this Act, and it shall authorise the taking by the exercise of any compulsory powers of such lands as are required for the purposes of this Act to be taken compulsorily:

[111.]

A 3

A.D. 1877.

(2.) Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken compulsorily in pursuance of this Act requires to be assessed, the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made, of such lands, and of the several interests in such lands, due regard being had to the nature and then condition of the property, and all circumstances affecting such value.

Extinction
of rights of
way and
other ser-
vitudes.
38 & 39 Vict.
c. 49. s. 19.

12. Upon the purchase by the local authority of any lands required for the purpose of carrying this Act into effect, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands or part thereof, and all other rights or servitudes in or relating to such lands, or any part thereof, shall be extinguished, and the solum of such ways, and the property in the pipes, sewers, or drains shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this Act, or as near thereto as circumstances admit.

Expenses.

Separate
account to
be kept for
the purposes
of this Act.
38 & 39 Vict.
c. 49. s. 20.

13. A separate account shall be kept by the local authority in respect of any transactions under this Act.

The moneys required for the purposes of this Act shall be supplied out of the local rate, or out of moneys borrowed in pursuance of this Act.

The "local rate" shall mean an assessment to be levied and recovered by the local authority along with, but as a separate assessment from, any one of the assessments mentioned in section ninety-five of the Public Health (Scotland) Act, 1867.

Power of
borrowing
money for
the purposes
of this Act.
38 & 39 Vict.
c. 49. s. 21.

14. Any local authority under this Act may, for the purposes of this Act, borrow any moneys on the security of any lands acquired by them under this Act, and may mortgage such lands to any person advancing such moneys, and it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for the misapplication thereof.

Every local authority borrowing on the credit of such lands as aforesaid may pay out of the local rate the interest of any moneys so borrowed by them.

Any local authority under this Act borrowing any moneys on the security of any lands as aforesaid may execute such instruments by way of security, with such power of sale and other conditions as they think expedient. A.D. 1877.

- 5 Any local authority under this Act shall have the same power of borrowing on the credit of the local rate such sums of money as they may require for the purposes of this Act as they have under section eighty-six of the Public Health (Scotland) Act, 1867, for the purpose of making, enlarging, or constructing sewers.
- 10 Any limit imposed on or in respect of local rates by any Act of Parliament other than this Act shall not apply to any rate required to be levied for the purpose of defraying any expenses under this Act.

- 15 15. The accounts of a local authority in any burgh under this Act shall be audited in the same manner, and with the same power in the officers auditing the same, in which the account of the police assessment in such burgh is for the time being required to be audited under any general or local Act. Audit of accounts.
38 & 39 Vict.
c. 49. s. 22.

Byelaws.

- 20 16. All byelaws made by a local authority under and for the purposes of this Act shall be signed by the clerk thereof; and any such byelaws may be altered or repealed by subsequent byelaws made pursuant to the provisions of this Act: Provided, that no byelaws made under this Act by a local authority shall be of any effect if repugnant to the laws of Scotland or to the provisions of this Act. Authentica-
tion and
alteration of
byelaws.
38 & 39 Vict.
c. 55. s. 182.

- 30 17. Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of *five pounds* for each offence, and in the case of a continuing offence a further penalty not exceeding *forty shillings* for each day after written notice of the offence from the local authority; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty. Power to
impose pe-
nalties on
breach of
byelaws.
38 & 39 Vict.
c. 55. s. 183.

- 35 18. Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Secretary of State, who is hereby empowered to allow or disallow the same as he may think proper; nor shall any such byelaws be confirmed— Confirmation
of byelaws.
38 & 39 Vict.
c. 55. s. 184.

A.D. 1877.

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate one month at least before the making of such application ; and

Unless for *one month* at least before any such application a copy 5 of the proposed byelaws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

The clerk of the local authority shall, on the application of any 10 such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of *sixpence* for every hundred words contained in such copy.

Byelaws to
be printed,
&c.

38 & 39 Vict.
c. 55. s. 185.

19. All byelaws made by a local authority under this Act shall be printed and hung up in the office of such authority, and 15 a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same.

Evidence
of byelaws.
38 & 39 Vict.
c. 55. s. 186.

20. A copy of any byelaws made under this Act by a local authority, signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence 20 until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws, without further or other proof.

General Provisions.

Provision
where local
authority
has no seal.
38 & 39 Vict.
c. 49. s. 22.

21. Any petition or document proceeding from a local authority 25 may be authenticated by their seal where such authority have a seal, and in any other case by the signature of any *two or more* members of the local authority, or in such other manner as the Secretary of State may require.

Notices.

30

Service of
notice on
the local
authority.
Authentica-
tion of no-
tices served
by the local
authority.
38 & 39 Vict.
c. 49. s. 27.

22. Any notice required to be served upon the local authority may be lawfully served by delivering the same to the clerk of the local authority, or leaving the same at his office with some person employed there by him.

23. Any notice served by the local authority for the purposes 35 of this Act may be signed by the clerk of the local authority.

24. All penalties imposed under this Act shall be recovered before the sheriff of the county in the sheriff court, under the provisions of "The Summary Procedure Act, 1864," and all the jurisdiction, powers, and authorities necessary for this purpose are hereby conferred on sheriffs.

A.D. 1877.
Penalties
how reco-
vered.
38 & 39 Vict.
c. 49. s. 28.

Every such penalty shall be recovered at the instance of the procurator fiscal of the jurisdiction.

Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff.

10 It shall be competent to any person aggrieved by any conviction by a sheriff in any summary proceeding under this Act to appeal against the same to the next circuit court, or where there are no circuit courts to the High Court of Justiciary at Edinburgh, in the manner prescribed by such of the provisions of the Act of the
15 twentieth year of the reign of King George the Second, chapter forty-three, and any amending the same, as relate to appeals in matters criminal, and by and under the rules, limitations, conditions, and restrictions contained in the said provisions.

Saving Clause.

20 25. Where in any place to which this Act applies any local Act is in force providing for objects the same as or similar to the objects of this Act, the enactments of such local Act may be enforced at the discretion of the local authority either instead of or in concurrence with this Act.

Relation of
local Acts to
general Acts.
38 & 39 Vict.
c. 49. s. 29.

25 *Definitions.*

26. The expressions herein-after mentioned shall respectively have the meanings hereby assigned to them, unless there is something in the context inconsistent with such meanings; that is to say,

Construction
of terms of
Act.
38 & 39 Vict.
c. 49. s. 30.

30 "Secretary of State" means one of Her Majesty's Principal Secretaries of State.

"The Lands Clauses Consolidation (Scotland) Acts" shall mean the Lands Clauses Consolidation (Scotland) Acts, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860.

35 "Person" shall include a body of persons, corporate or unincorporate.

"Lands" shall include lands and heritages of any tenure, and any right over land.

[111.]

B

A.D. 1877. “Sell” shall include convey by way of feu or contract of ground annual.

“The Court of Session” shall mean either division of the inner house thereof.

“The Treasury” shall mean the Lords Commissioners of the Treasury, or any two of them.

SCHEDULE.

PROVISIONS WITH RESPECT TO THE PURCHASE AND TAKING OF
LANDS IN SCOTLAND OTHERWISE THAN BY AGREEMENT, AND
OTHERWISE AMENDING THE LANDS CLAUSES CONSOLIDATION
5 (SCOTLAND) ACT, 1845.

Deposit of Maps and Plans.

1. The local authority shall, before advertising their intention
to take lands, cause to be made out and to be signed by their clerk
or some other principal officer appointed by them, maps and
10 schedules of all lands proposed to be taken compulsorily (which
lands are herein-after referred to as the scheduled lands) together
with the names, so far as the same can be reasonably ascertained,
of all persons interested in such lands as owners or reputed owners,
lessees or reputed lessees, or occupiers.
- 15 2. The local authority shall deposit such maps and schedules at
the office of the Secretary of State and shall deposit and keep copies
of such maps and schedules at the office of the local authority.

38 & 39 Vict.
c. 49. and
Schedule.

Appointment of Arbitrator.

3. After such deposit at the office of the Secretary of State as
20 aforesaid, it shall be lawful for the Secretary of State, upon the
application of the local authority, to appoint an arbitrator between
the local authority and the persons interested in the scheduled
lands, so far as compensation for the same has not been made the
subject of agreement.

25 *Proceedings on Arbitration.*

4. Before any arbitrator enters upon any inquiry, he shall, in
the presence of a justice of the peace, make and subscribe the
following declaration; that is to say,—

- “ I, *A.B.*, do solemnly and sincerely declare that I will faithfully
30 “ and honestly, and to the best of my skill and ability, hear and
“ determine the matters referred to me under the provisions of the
“ Public Parks (Scotland) Act, 1877.

“ *A.B.* .”

“ Made and subscribed in the presence of

[111.]

B 2

A.D. 1877. And such declaration shall be annexed to the award when made ;
and if any arbitrator, having made such declaration, wilfully act
contrary thereto, he shall be guilty of a crime and offence.

5. As soon as an arbitrator has been appointed as aforesaid the
Secretary of State shall deliver to him the maps and schedules 5
deposited at his office, and the local authority shall publish once
in each of three successive weeks the following particulars :

(a.) The appointment of the arbitrator :

(b.) The deposit at the office of the local authority of the copies
of such maps and schedules as aforesaid, with a description 10
of the situation of such office, and a statement of the time
at which such copies may be inspected by any person
desirous of inspecting the same :

(c.) A requisition directing the owners of or parties by this Act
enabled to sell and convey any of the said scheduled lands, 15
or any interest in such lands, to deliver to the arbitrator,
on or before a day fixed by the arbitrator and named in
such requisition (and being a day not earlier than twenty-
one days from the date of the insertion of the last of such
notices), a short statement in writing of the nature of 20
their respective claims.

6. The arbitrator shall, after the expiration of the period within
which such claims are required to be delivered to him as aforesaid,
and so far as such claims may not be settled by agreement, proceed
to inquire into and adjudicate according to the basis provided in 25
this Act upon the compensation to be paid in respect of the
scheduled lands and of the several interests in such lands.

7. The arbitrator shall, after due inquiry and examination, frame
a provisional award, setting forth the compensation to be paid by
the local authority in respect of the several interests in the said 30
scheduled lands.

8. The provisional award shall be deposited at the office of the
Secretary of State, and a copy shall be deposited at the office of the
local authority.

9. The arbitrator shall cause notice of such award to be given to 35
all persons entitled to compensation under the same, or who have
made a claim before such arbitrator as claimants for compensation ;
the arbitrator shall cause notice to be published once in each of
three successive weeks, stating that a copy of the provisional award
has been deposited by the local authority, and he shall in the notice 40
of the award given to such persons as aforesaid, and also in the
published notice, appoint a time and place or times and places for

holding a meeting or meetings to hear objections against such provisional award (the first such meeting to be not earlier than *twenty-one days* after the last day of publication of the said notice. A.D. 1877.

5 10. The arbitrator shall hold such meeting or meetings according to such notices, and thereat hear and determine any objections which may then and there be made to such provisional award by any person interested therein, or adjourn the further hearing thereof if the arbitrator see fit to a future meeting, and may take
10 any measures which he may deem proper for ascertaining the compensation payable in respect of any such lands, or the justice or propriety of any other matter of such provisional award, and may from time to time, if he see occasion, appoint and hold further
15 meetings for hearing and determining objections to such provisional award, of which further meetings, when not holden by adjournment, notice shall be given in manner herein-before directed.

11. When the arbitrator has heard and determined all such objections, and made such inquiries as he may think necessary in relation thereto, and made such alterations (if any) as he may deem
20 proper in the provisional award, he shall sign and issue a final award accordingly; and thereupon such final award shall be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of
25 form.

12. Such final award as aforesaid shall be deposited at the office of the Secretary of State, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks
30 notice of the deposit having been made at the office of the local authority, of a copy of the award so confirmed, and further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority, on or before
35 a day to be named in such notice (such day not being earlier than *twenty-one days* from the date of the last publication of the notice), a short statement in writing of the nature of such claim, together with a legal progress of the title deeds of the lands in respect of which the claim is made; and such statement, and an inventory of
40 the title deeds forming such progress, shall be paid for by the local authority.

A.D. 1877.

Payment of Purchase Money.

13. Within *thirty days* from the delivery of such statement and progress of titles as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, 5 deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award.

14. Every such certificate shall be prepared by and at the cost of the local authority, and where any agreement has been entered 10 into as to the compensation payable in respect of the interest of any person in any lands the local authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

15. The local authority shall, *thirty days* after demand, pay to 15 the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her heirs, executors, or assignees. 20

16. If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to record the same in the books of council and session, or other judge's books competent, and to have a decree interponed thereto, and to be extracted with a view to execution, in the like 25 manner as if a formal clause of registration had been contained therein; and all diligence and execution shall be competent thereon in the like manner and to all effects as upon any bond containing such formal clause of registration; and all moneys payable under such certificates, or to be recovered by such execution and diligence 30 as aforesaid.

17. When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise as herein provided in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom or 35 in whose favour the certificate is given, his heirs, executors, or assignees, it shall be lawful for the local authority, upon obtaining such conveyance as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in 40

respect of which the amount specified in such certificate was payable. A.D. 1877.

18. In every case in which any moneys are paid by any local authority under this Act, for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a conveyance of the lands in respect of which such moneys are paid, or of all the estate and interest of such party, and of all parties claiming under or through him, in such lands, and every such conveyance shall be prepared by and at the cost of the local authority.

19. If it appear to the local authority from any such statement and progress of titles as aforesaid, or otherwise, that the party making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid, shall be paid and applied as provided by the clauses of "The Lands Clauses Consolidation (Scotland) Act, 1845," with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title.

20. Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local authority have under the provisions of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into any one of the incorporated or chartered banks in Scotland in manner provided by the last-mentioned clauses of the "The Lands Clauses Consolidation (Scotland) Act, 1845," and the amount so paid into the said bank shall be accordingly dealt with as by the said Act provided.

21. Nothing herein contained shall prevent the local authority from requiring any further evidence of title respecting any lands included in any such award as aforesaid, in addition to the statement and progress of titles herein-before mentioned, if they think fit, so as the same be obtained at the cost of the local authority.

A.D. 1877.

22. If from any reason whatever the local authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the costs and 5 charges of the local authority, be enforced by any party or parties, by application to the court of session, in a summary way, by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such application as aforesaid. 10

Entry on Lands on making Deposit.

23. Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions herein-before contained, it shall be lawful for the local authority, at any time after the 15 arbitrator has framed his provisional award, upon depositing in any of the banks before mentioned such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorised to be purchased or taken by the local authority, and mentioned in such provisional award, to enter 20 upon and use such lands for the purposes of this Act, and the arbitrator shall, upon the request of the local authority, at any time after he has framed such provisional award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such provisional 25 award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such provisional award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, 30 may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under this Act, shall be had, and payments made, as if such entry and deposit had not been made; provided that the local authority shall, where they 35 enter upon any lands by virtue of this present provision, pay interest at the rate of *five pounds* per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, 40 under the provisions of this Act, such compensation is required to be paid into any of the said banks, then until the same, with such

A.D. 1877.

interest, is paid into such bank accordingly; and where under this provision interest is payable on any compensation money the certificate to be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

24. The money so deposited as last aforesaid shall be paid into any of the said banks to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in such bank in similar cases, or to such account as may be directed by any order of the court of session, and remain in the bank by way of security to the parties interested in the lands which have been so entered upon for the payment of the money to become payable by the local authority in respect thereof under the award of the arbitrator; and the money so deposited may, on the application by petition of the local authority, be ordered to be invested in Government securities, and accumulated; and upon such payment as aforesaid by the local authority it shall be lawful for the court of session, upon the like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited.

Appeal.

25. Where the party named in any certificate issued under the provisions herein-before contained of the amount of the compensation ascertained by any award under this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable, and such amount exceeds *five hundred pounds*; and

Where any party claiming any interest in any moneys so paid into bank as aforesaid is dissatisfied with the amount of the price or compensation in respect of which such moneys are paid into bank, and such amount exceeds *five hundred pounds*; also

Where the local authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of this Act has awarded to be paid by the local authority to any person in respect of any estate or interest in lands, and such amount exceeds the sum of *five hundred pounds*:

A.D. 1877.

The party dissatisfied may submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal within ten days after notice has been given that the cause of appeal has arisen.

5

The cause of appeal shall be deemed to have arisen—

(1.) Where a certificate has been issued as aforesaid, at the date of the issue of the certificate :

(2.) Where moneys have been paid into the bank, at the date of the payment into bank :

10

(3.) Where the local authority appeals, at the date of the making of the final award.

26. Where a notice has been given under the Act of an appeal to a jury in respect of compensation for land, a question of disputed compensation required to be determined by a verdict of a jury shall be deemed to have arisen within the meaning of the Lands Clauses Consolidation (Scotland) Act, 1845, and all the provisions of that Act contained in sections thirty-seven to fifty-five, both inclusive, shall be deemed to apply, except section forty-six: Provided also, that in the construction of the said sections—

20

(1.) Where the local authority appeals, that authority shall be deemed to be the pursuer, and the party entitled to compensation to be the defender; and,

(2.) Where the party claiming compensation appeals, then in case the verdict of the jury is for a sum exceeding the award of the arbitrator the local authority shall pay to such party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained in jury trials before the court of session; but in case the verdict of the jury is for a sum not exceeding the award of the arbitrator the party appealing shall pay to the local authority the costs of the trial, to be taxed and ascertained in manner aforesaid :

25

30

(3.) Where the local authority is the appellant—

(1.) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum, not exceeding twenty pounds, for the costs of the trial as the sheriff or sheriff substitute before whom the same is tried shall direct; and,

40

(2.) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local

authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in manner aforesaid : A.D. 1877.

- 5 (4.) The amount of compensation awarded by the arbitrator shall not be communicated to the jury, but they shall be required to make an independent assessment of the amount of compensation to which the party claiming compensation is entitled.

Costs of Arbitration.

- 10 27. The salary or remuneration, travelling or other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the Secretary of State in carrying the provisions of this Act into execution, shall be paid by the local authority ; and the amount of such costs, charges, and expenses shall from
15 time to time be certified by the Secretary of State, after first hearing any objections that may be made to the reasonableness of any such costs, charges, and expenses by or on behalf of the local authority ; and every certificate of the said Secretary of State certifying the amount of such costs, charges, and expenses, and the
20 amount so certified shall be a debt due from the local authority to the Crown and shall be recoverable in the same manner as the costs, charges, and expenses contained in any order of the Secretary of State made under section six of this Act.

- 25 28. It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority ; and if within seven days after demand the amount so certified be not paid to the party
30 entitled to receive the same, such amount shall be recoverable as a debt from such local authority, with interest at the rate of five per centum for any time during which the same remains unpaid after such seven days as aforesaid ; but no such certificate shall be given where the arbitrator has awarded the same or a less sum than has been
35 offered by the local authority in respect of such claim before the appointment of the arbitrator.

Miscellaneous.

29. The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party
40 making any claim under the provisions of this Act which such arbitrator may think necessary for determining any question or

A.D. 1877. — matter to be determined by him under this Act, and may examine any such party and his witnesses, and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose.

30. If any arbitrator appointed in pursuance of this Act die, 5
or refuse, decline, or become incapable to act, the Secretary of
State may appoint an arbitrator in his place, who shall have the
same powers and authorities as the arbitrator first appointed, and
upon the appointment of any arbitrator in the place of an arbitrator
dying or refusing, declining, or becoming incapable to act, all the 10
documents relating to the matter of the arbitration which were in
the possession of such arbitrator shall be delivered to the arbitrator
appointed in his place, and the local authority shall publish notice
of such appointment in the Edinburgh Gazette.

31. All notices required by this schedule to be published shall be 15
published in some one and the same newspaper circulating within
the jurisdiction of the local authority, and where no form of service
is prescribed, all notices required to be served or given by the local
authority, under this schedule or otherwise, upon any persons
interested in and entitled to sell lands, shall be served in manner in 20
which notices of lands proposed to be taken compulsorily for the
purpose of this Act are directed by this Act to be served upon owners
or reputed owners, lessees or reputed lessees, and occupiers.

Public Parks (Scotland).

A

B I L L

To enable Local Authorities to acquire
and lay out Land for Public Parks
and Pleasure Grounds in Scotland.

(Prepared and brought in by
*Mr. Fortescue Harrison, Sir Windham Anstruther,
Sir George Balfour, Dr. Cameron, and
Mr. William Holmes.*)

*Ordered, by The House of Commons, to be Printed,
8 March 1877.*

[Bill 111.]

Under 3 oz.

A

B I L L

INTITLED

An Act to amend the Public Record Office Act, 1838.

A.D. 1877.

WHEREAS the Public Record Office was established in pursuance of the Public Record Office Act, 1838, and divers records and papers (in this Act referred to as documents) are deposited in or can be removed to that office and are there under the charge of the Master of the Rolls in England for the time being :

1 & 2 Vict.
c. 94.

And whereas it is expedient to prevent the Public Record Office from being encumbered with documents of no value or of not sufficient public value to justify their preservation in the Public Record Office :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Master of the Rolls, with the approval of the Commissioners of Her Majesty's Treasury, and such further approval in the case of certain documents as is hereinafter mentioned, may, if he sees fit, from time to time make, and when made, revoke, add to, and vary rules respecting the disposal by destruction or otherwise of documents which are deposited in or can be removed to the Public Record Office, and which are of no value, or not of sufficient public value to justify their preservation in the Public Record Office.

Power to
make rules
as to dis-
posal of
valueless
documents.

Such rules shall,—

- (1.) So far as they relate to documents of any court mentioned in section three of the Public Record Office Act, 1838, be made with the further approval of the Lord High Chancellor of Great Britain ; and

- (2.) So far as they relate to documents removed or about to be removed to the Public Record Office from the office of one of Her Majesty's Principal Secretaries of State or other

[Bill 182.]

A.D. 1877.

department of the Government (except the Treasury), be made with the further approval of such Secretary of State or head of such department.

The rules made in pursuance of this section shall provide for laying from time to time before both Houses of Parliament statements relating to any documents proposed to be disposed of under this section, containing such particulars as to the character and contents of such documents as may be calculated to enable the Houses of Parliament to judge of the expediency of disposing of such documents in the proposed manner, and the power of disposal given by this section shall not be exercised in respect of any documents until the statement relating to such documents before required has been submitted to both Houses of Parliament for a period of not less than four weeks.

Every rule made in pursuance of this section shall be laid before both Houses of Parliament, and when the same has lain not less than forty days before both Houses of Parliament it shall be lawful for Her Majesty, by Order in Council, to declare her approbation of the rule or any part of the rule, from which rule or part Her Majesty has not been prayed by an address of either House of Parliament to withhold her approbation.

Every such rule when approved by Order in Council shall be deemed to have been within the powers of this Act and duly made, and shall, while in force, have effect as if it were enacted by Parliament.

25

Disposal of
documents of
Masters
Offices trans-
ferred by
23 & 24 Vict.
c. 149.

2. Whereas by the ninth section of the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and forty-nine, intituled "An Act to make better provision for the relief of prisoners in contempt of the High Court of Chancery, and pauper defendants, and for the more efficient despatch of business in the said Court," it is enacted that the deeds, books, documents, and papers belonging to the suitors in the Court of Chancery which had been theretofore under the custody of the Masters in Ordinary of the said Court (and which are herein-after referred to as Chancery Masters Documents) should be transferred to the custody of the Clerks of Records and Writs of the said Court, and the Master of the Rolls is authorised to appoint a person to have the care of the said Chancery Masters Documents, at a salary not exceeding the sum therein mentioned; and such documents have since remained at the offices in Southampton Buildings, Chancery Lane, where the same were deposited at the passing of the said Act :

35

40

And whereas it is expedient to make further provision with respect to the Chancery Masters Documents : Be it therefore enacted, that—

A.D. 1877.

5 The Chancery Masters Documents shall, after the passing of this Act, be under the charge and superintendence of the Master of the Rolls for the time being under the Public Record Office Act, 1838, in like manner as if they were records within the meaning of that Act and this Act, subject as follows :—

10 (1.) No person shall be entitled to inspect the same without the consent of the Master of the Rolls and the Treasury ; and

15 (2.) The Master of the Rolls, with the approval of the Treasury, may take such measures as may seem best for ascertaining the lawful owners of any of such documents, and may cause the same to be delivered to such lawful owners.

Section nine of the Act above recited in this section shall be construed as if the words Master of the Rolls were substituted therein for the words Clerks of Records and Writs wherever used in the said section.

20 **3.** This Act shall be construed as one with the Act of the session of the first and second years of the reign of Her present Majesty, chapter ninety-four, intituled “ An Act for keeping safely the Public Records,” which Act is in this Act referred to and may be cited as the Public Record Office Act, 1838, and that Act and this
25 Act may be cited together as the Public Record Offices Acts, 1838 and 1877, and this Act may be cited as the Public Record Office Act, 1877.

Construction
and short
title.

Public Record Office.
[H.L.]

A

B I L L

INTITLED

An Act to amend the Public Record
Office Act, 1838.

(Brought from the Lords 17 May 1877.)

*Ordered, by The House of Commons, to be Printed,
4 June 1877.*

[Bill 182.]

Under 1 oz.

A
B I L L

TO

Grant Money for the purpose of Loans by the Public Works Loan Commissioners, and authorise those Commissioners to compound a loan and interest, and amend the Public Works Loans Act, 1875. A.D. 1877.

WHEREAS by the Public Works Loans Act, 1875, and other Acts, the Public Works Loan Commissioners are authorised to make loans for the purposes therein mentioned, and it is expedient to grant the money herein-after mentioned for the purpose of such
5 loans :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 **1.** This Act may be cited as the Public Works Loans Act, 1877. Short title.

2. For the purpose of loans by the Public Works Loan Commissioners, any sum or sums not exceeding in the whole *four million pounds* may be issued out of the Consolidated Fund of the United
15 Kingdom, or the growing produce thereof, in manner provided by the Public Works Loans Act, 1875, during the period ending on the *thirtieth day of June one thousand eight hundred and seventy-eight*, or on any earlier day at which a further Act authorising the issue of money for the purpose of the said loans comes into
20 operation.

Grant of
4,000,000*l.*
for loans
during the
period ending
the 30th of
June 1878.

The Treasury may, in the manner and subject to the limitations provided by the Public Works Loans Act, 1875, borrow the said sum or any part thereof.

3. Whereas in the month of March one thousand eight hundred and sixty-seven, under the enactments then in force in that behalf, the Public Works Loan Commissioners, in pursuance of an application from the churchwardens and overseers of the parish
25 [Bill 145.]

Composition
of debt due
from the
parish of
Whitchurch,
5 Geo. 4.
c. 36.

A.D. 1877. of Whitchurch in the county of Southampton made with the consent of the inhabitants in vestry assembled, advanced a loan of two thousand pounds for the purpose of enlarging and repairing the parish church of the said parish, and the churchwardens and overseers of the said parish assigned the rates of the said parish 5 as a security for the repayment of the loan, which was to be repaid in twenty years by yearly instalments of one hundred pounds each, with interest at four per centum per annum :

And whereas sums amounting in the whole to six hundred and fifty-one pounds or thereabouts have been repaid by the parish to the Public 10 Works Loan Commissioners in respect of the principal and interest of the said loan, but there remains unpaid sixteen hundred and seventy-five pounds, or thereabouts, with interest thereon at four per centum per annum from the eighteenth day of March one thousand eight hundred and seventy-one: 15

And whereas in the year one thousand eight hundred and sixty-eight difficulties arose in enforcing the rate made for the purpose of raising the sums due to the Public Works Loan Commissioners, and legal proceedings were taken to enforce the payment of such rate which were ultimately unsuccessful, and of which the church- 20 wardens were ordered to pay the costs :

And whereas in consequence of the said difficulties and proceedings persons declined to serve in the office of churchwarden of the said parish, and no instalments of principal and no interest have been paid, and no rate for the purpose of raising such instalments 25 or interest has been made since the month of March one thousand eight hundred and seventy-one :

And whereas doubts have arisen as to the power of the Commissioners to enforce payment of the instalments of principal and interest due between the eighteenth of March one thousand eight 30 hundred and seventy-one and the eighteenth of March one thousand eight hundred and seventy-six, and difficulties exist in enforcing a rate for the payment of any instalments of principal and interest on the said loan :

And whereas the churchwardens of the parish, on behalf of the 35 inhabitants thereof, have offered to pay to the Public Works Loan Commissioners a sum of one thousand pounds by way of composition for the principal and interest of the said loan, and it is expedient to authorise the Commissioners to accept the same : Be it therefore enacted as follows :

The Public Works Loan Commissioners may compound the 40 debt due to them from the parish of Whitchurch, in the county of Southampton, in respect of the said loan for the sum of one

thousand pounds, and on the payment of that sum to the Commis- A.D. 1877.
sioners the said debt shall be extinguished.

4. This Act shall come into operation on the *first day of July* Commence-
one thousand eight hundred and seventy-seven. ment of Act.

Public Works Loans.

A

B I L L

To grant Money for the purpose of Loans by the Public Works Loan Commissioners, and authorise those Commissioners to compound a loan and interest, and amend the Public Works Loans Act, 1875.

(*Prepared and brought in by
Mr. Selator-Booth, Mr. Salt, and
Mr. William Henry Smith.*)

*Ordered, by The House of Commons, to be Printed,
24 April 1877.*

[Bill 145.]

Under 1 oz.

Public Works Loans (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preliminary.

1. Short title.
-

PART I.

Amendment as to Loans to Local Authorities and Remission of Sundry Loans.

2. Charge of interest on local loans in Ireland, and provisions as to their issue and remission.
 3. Recovery from grand jury of advances made.
 4. Advances for support of lunatic asylums by county treasurer instead of out of Consolidated Fund.
 5. Power of Commissioners of Public Works to lend for the purchase of tolls on a bridge.
 6. Advance for improvement of landed property to carry interest from date of advance.
 7. Advances for teachers dwellings to carry interest from the date of advance.
 8. Extinguishment of debts in second schedule.
 9. Repeal of Acts.
-

PART II.

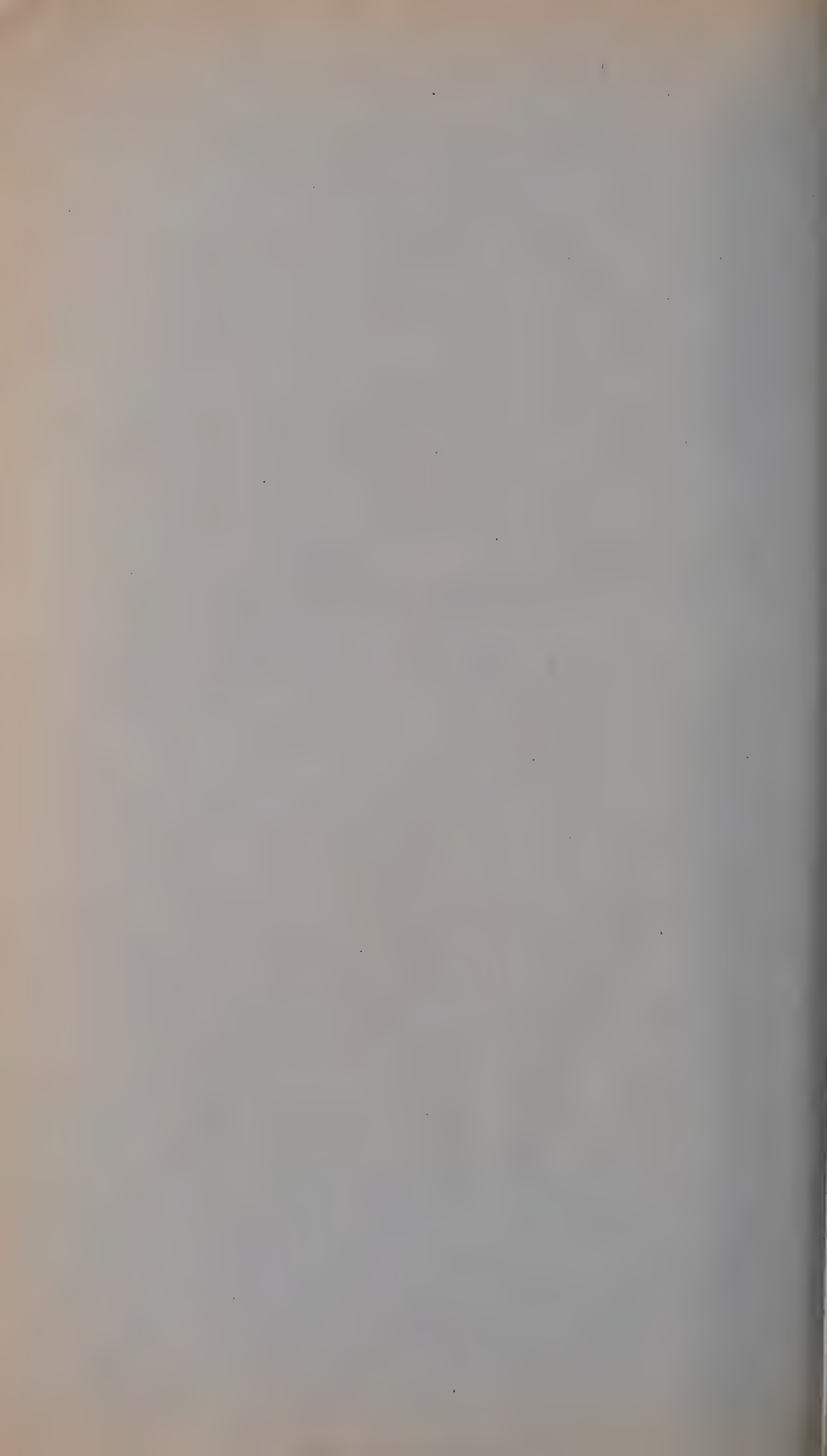
Permanent provision as to Funds for Loans for Commissioners of Public Works.

10. Annual estimate of amounts required.
 11. Issue of money for purpose of loans.
 12. Money so issued to be applied to loans.
 13. Borrowing for the purpose of raising money.
 14. Accounts and audit.
 15. Repeal of enactments authorising issues for loans.
-

PART III.

Annual issue of Money for Loans by Commissioners of Public Works.

16. Grant of 700,000*l.* for loan during the period ending the 30th of June 1878.
-



A

B I L L

TO

Grant Money for the purposes of Loans by the Commis- A.D. 1877.
sioners of Public Works in Ireland, and to remit certain
Loans, and to amend the Law relating to Loans for public
purposes by the Commissioners of Public Works in Ireland.

WHEREAS under divers Acts, and particularly those mentioned
in the first schedule to this Act, advances out of the Conso-
lidated Fund are made, without interest, for divers purposes in
Ireland, and are repayable by counties, counties of cities, and
5 counties of towns in Ireland upon presentments made by the grand
jury, and such advances are made in different methods and by
different authorities :

And whereas it is expedient to authorise interest to be charged on
such of those advances as are mentioned in the first part of the
10 said schedule, and to provide that they should be made in one
method and by one authority :

And whereas it is expedient that the advances under the Acts
mentioned in the second part of the first schedule to this Act
should, after a limited period, be made by treasurers of counties,
15 and not out of the Consolidated Fund :

And whereas certain advances out of the Consolidated Fund have
been made in Ireland for the objects mentioned in the second
schedule to this Act, and upon each of these advances the amount
mentioned in that schedule, together with interest, is unpaid, and
20 due to the Consolidated Fund :

And whereas no sums have been recovered, either by way of
principal or interest, upon the said advances during a long period
of years, and it is inexpedient to keep open for any further period
the account of such advances :

25 And whereas it is expedient to make better provision with respect
to the provision of funds for the purpose of loans by the Commis-
sioners of Public Works in Ireland, and to grant money for those
loans :

[Bill 139.]

A

A.D. 1877. — Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

Short title.

1. This Act may be cited as the Public Works Loan (Ireland) Act, 1877.

PART I.

Amendment as to Loans to Local Authorities and Remission of sundry Loans.

Charge of interest on local loans in Ireland, and provisions as to their issue and remission.

2. All advances out of the Consolidated Fund made by way of loan after the passing of this Act, in pursuance of the Acts mentioned in the first part of the first schedule to this Act, or of any other Act authorising loans to local authorities in Ireland without interest (other than for the purposes mentioned in the second part of the said schedule), shall bear interest at the rate of *three and a half per cent.* per annum, or at such other rate as the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) from time to time fix, in order to enable the advance to be made without loss to the Exchequer.

All such advances shall be made through the Commissioners of Public Works in Ireland, acting under the direction of the Treasury, in such manner as the Treasury from time to time direct; and the power vested by the said Acts in the Lord Lieutenant, or the Lord Lieutenant in Council, to direct any sum to be issued out of the Consolidated Fund, shall be transferred to and vested in the Treasury.

Every such advance and the interest thereon shall be repaid within such period from the date of the advance as the Treasury from time to time fix, so that it do not in any case exceed *twenty years* or any less period fixed by the said Acts.

Nothing in the foregoing provisions of this section shall apply to loans which at the passing of this Act have been authorised by an Order of the Lord Lieutenant in Council.

All advances made (whether before or after the passing of this Act) in pursuance of the said Acts shall be remitted or compounded only under the authority of Parliament in each case.

Recovery from grand jury of advances made.

3. Where any advance made in pursuance of the Acts mentioned in the first schedule to this Act, whether made before or after the passing of this Act, has been made on the faith of the presentment of a grand jury, or a grand jury are authorised or required to present the amount required for the repayment of any such advance as above mentioned, the grand jury shall be authorised and required, without any previous proceeding at any presentment

sessions, to present the amount required for the repayment of the whole of such advance, and of the interest thereon; and upon the certificate of the Commissioners of Public Works in Ireland that any sum in respect of an advance, or interest on an advance, is due

5 to the Consolidated Fund from any county, county of a city, or county of a town, or any part thereof, being sent to the secretary of the grand jury of such county, county of a city, or county of a town, the grand jury shall at the next assizes or presenting term, without any previous proceeding at any presentment sessions, 10 present such sum, or in default thereof the judge of assize or the court shall order such sum to be raised, which order shall have the force of a presentment, and such sum shall be apportioned and raised and levied accordingly as if the same had been inserted on a presentment duly made at such assizes or presenting term; and every sum raised 15 in pursuance of this section shall be paid into the Bank of Ireland to the account of Commissioners of Public Works in Ireland, or in such other manner as the Treasury from time to time direct.

In this section, the expression "grand jury" shall include the town council of any borough to whom the powers of a grand jury 20 with respect to the presentment of public money have been transferred.

4. Whereas by the Act of the session of the first and second years of the reign of Her present Majesty, chapter one hundred and sixteen, intituled "An Act to facilitate advances out of County 25 " Monies for the support of County Gaols and Institutions in " Ireland," provision is made for the treasurer of a county or county of a city or town in Ireland, advancing sums required for the support of any gaol or other public institution for which a presentment has been made at the preceding assizes, and it is 30 expedient that advances for the opening and maintenance of a lunatic asylum should be made in pursuance of that Act, and not out of the Consolidated Fund; be it therefore enacted that—

Advances for support of lunatic asylums by county treasurer instead of out of Consolidated Fund.

A lunatic asylum shall be deemed to be a public institution within the meaning of the Act above in this section recited, and 35 advances for the support thereof may be made accordingly.

After the *thirty-first day of March one thousand eight hundred and seventy-eight*, advances shall not be made out of the Consolidated Fund in pursuance of the Acts mentioned in the second part of the first schedule to this Act.

40 Any advance made in pursuance of those Acts before the said day shall be repaid by such instalments as the Treasury may fix.

5. Where the grand jury of any county, county of a city, or county of a town have authority under any Act of Parliament to present any sum or sums of money for the purpose of the purchase

Power of Commissioners of Public

A.D. 1877.

Works to
lend for the
purchase of
tolls on a
bridge.

See
16 & 17 Vict.
c. 136.
35 & 36 Vict.
c. 42.

of tolls payable on any bridge upon which toll is charged, situate in such county or city or town, or within five miles thereof, or any interest in or any lien or encumbrance on such tolls, or for paying the principal of and interest on any money borrowed for the purpose of such purchase as aforesaid, or for better securing such 5 payment, the Commissioners of Public Works in Ireland may, if it seem fit in accordance with the Acts relating to loans by those Commissioners, lend any sum or sums of money on the security of such presentment, and may lend the same either to the grand jury or juries making such presentment, or, with the consent of such 10 grand jury or juries to any commissioners or trustees acting under any Act of Parliament in relation to such bridge or the tolls thereof; and if an arrangement for any such loan has been made by the said Commissioners and approved by the Commissioners of Her Majesty's Treasury before the passing of this Act, the sum or sums 15 may be lent on the terms of such arrangement.

Where any advance is made under this section on the security of the presentment of any grand jury or grand juries, such grand jury or juries shall present the amount required from time to time for the repayment of such advance, and the provisions of this Act 20 with respect to the recovery of an amount required for the repayment of an advance to a grand jury shall apply in like manner as if an advance under this section were an advance made in pursuance of the Acts mentioned in the first schedule to this Act.

Advance for
improvement
of
landed property
to
carry interest
from
date of
advance.

6. Whereas by section thirty-seven of the Act of the session of 25 the tenth year of the reign of Her present Majesty, chapter thirty-two, intituled "An Act to facilitate the Improvement of Landed Property in Ireland," the Commissioners of Public Works in Ireland are authorised, with the sanction of the Treasury, to make loans for the purposes of that Act, repayable by means of a rent- 30 charge at six pounds ten shillings, payable for a term of twenty-two years by half-yearly payments on every fifth day of April and tenth day of October in every year during said term :

And whereas by section three of the Act of the session of the twenty-ninth and thirtieth years of Her Majesty, chapter forty, 35 intituled "An Act to authorise a further advance of money for the same and additional purposes," the Commissioners are authorised to make loans for the purposes of that Act and the Acts therein recited, repayable by means of a rentcharge at five pounds per centum per annum, payable for a term of thirty-five years, by half- 40 yearly payments on every fifth day of April and tenth day of October in every year during said term : And whereas it is expedient to amend the same by authorising interest to be charged on such loans from the day of each advance to the first gale day that shall next follow in manner following :

A.D. 1877.

Be it therefore enacted that in case any loan is made *after the passing of this Act* in pursuance of the said recited Acts of tenth Victoria, chapter thirty-two, and twenty-ninth and thirtieth Victoria, chapter forty, or either of them, or any other Acts continuing and extending the provisions of either of them, it shall be lawful to further charge the lands included in any order of the said Commissioners of Public Works with interest on such loan at the rate of *three and a half per centum* per annum from the date of each advance to the first gale day which shall next happen, videlicet: the fifth day of April or the tenth day of October.

7. Whereas by section three of the Act of the session of the thirty-eighth and thirty-ninth years of Her Majesty, chapter eighty-two, intituled "An Act to afford facilities for the erection, enlargement, improvement, and purchase of dwelling-houses for residences for teachers of certain national schools in Ireland," it is provided that every loan shall be repayable by an annual sum of five pounds for every one hundred pounds of such sum from time to time advanced, and to be payable for the term of thirty-five years, to be computed from the date of the advance in respect of which the said annual sum shall be charged, such annual sum to be paid by equal half-yearly payments on the fifth day of April and tenth day of October in every year during the said term of thirty-five years, with such apportionment, if any, as may be necessary in respect of the first and last of such payments:

Advances
for teachers
dwellings
to carry
interest
from the
date of
advance.

And whereas it is desirable that the repayment of all loans made under the provisions of the said recited Acts of the tenth, the twenty-ninth and thirtieth, and the thirty-eighth and thirty-ninth years of Her present Majesty shall be uniform in respect of date of repayment and interest:

Be it therefore enacted that in all advances made in pursuance of the thirty-eighth and thirty-ninth Victoria, chapter eighty-two, notwithstanding the provisions of the said recited third section as to the mode of computing the rentcharges payable thereunder, such rentcharges shall be computed and paid in accordance with the provisions of the third section of the twentieth-ninth and thirtieth Victoria, chapter forty, as amended by the fourth section of this Act in respect of interest which shall accrue from the date of the advance to the first gale which shall next happen.

8. The debts due to the Consolidated Fund mentioned in the second schedule to this Act, and all arrears of interest thereon, shall, *after the passing of this Act*, be extinguished, and the amount of debt so extinguished shall be considered as a free grant from Parliament:

Extinguish-
ment of debts
in second
schedule.

A.D. 1877. — Provided that any debt which in the schedule is expressed to be remitted only upon performance of any condition shall not be remitted until that condition is performed.

Repeal of
Acts.

9. So much of the Acts mentioned in the first schedule to this Act as is inconsistent with this part of this Act is hereby repealed : 5

Provided that such repeal shall be without prejudice to any right acquired or liability accrued under any enactment hereby repealed, and any sum advanced in pursuance of such enactment may be recovered as if that enactment had not been repealed, and proceedings for the enforcement thereof taken accordingly. 10

PART II.

Permanent provision as to Funds for Loans for Commissioners of Public Works.

Annual
estimate of
amounts
required.

10. For the purpose of passing an annual Act of Parliament granting money for the purpose of loans by the Commissioners of Public Works in Ireland, every intending borrower shall send to the Commissioners, on or before the thirty-first day of December in every year, a statement of the new loan or instalments of a loan already granted which the sender will probably apply to borrow during the ensuing financial year; and the Commissioners of Public Works shall as soon as practicable submit all such statements to the Treasury, with such observations thereon and information respecting the same as they may think expedient, and as may be necessary for enabling the Treasury to lay before the House of Commons an estimate of the amount required to be granted for the purpose of loans by the Commissioners of Public Works. 25

The Commissioners of Public Works shall not, except with the special permission of the Treasury, decide upon complying with an application for a loan, or advance any instalment of a loan, which has not been included in such a statement as above mentioned. 30

The Treasury, if they think that after providing for the loans and instalments included in the said statements, or such of them as will actually be advanced, there will be a balance out of the sum granted by Parliament sufficient to meet any loan or instalment not included in the statements, may, if they think fit, grant such special permission, and may grant it conditionally upon the said balance being in their opinion sufficient when the time for the actual payment arrives. 35

The Commissioners of Public Works, with the consent of the Treasury, may, if they think fit, from time to time make and 40

when made rescind and vary regulations requiring quarterly statements to be sent by the borrowers of the amounts which will be required by such borrowers; and while such regulations, if any, are in force, the Treasury may, if they think fit, refuse to issue in
 5 any quarter of a financial year any larger sum than the total of the amounts named in the statements referring to such quarter. A.D. 1877.

11. When any money has been granted by Parliament for the purpose of loans by the Commissioners of Public Works, the Treasury may from time to time, as they think fit, issue out of
 10 the Consolidated Fund of the United Kingdom, or the growing produce thereof, the required sums, not exceeding in the whole the amount so granted. Issue of money for purpose of loans.

The said sums shall be issued in such manner as the Treasury may from time to time direct during the period authorised by the
 15 Act granting the same, or, if no period is authorised, during the financial year for which such Act was passed, and not subsequently.

12. All money so issued shall be placed to the account at the Bank of Ireland of the Commissioners of Public Works for the purpose of loans by them; and all enactments for the time being in
 20 force for the regulation of the Commissioners of Public Works, and the money at their disposal, and their securities, and the proceedings thereon, shall, so far as such enactments are consistent with this Act, apply in the case of the money issued in pursuance of this Act. Money so issued to be applied to loans.

13. If the Act granting money for the purpose of loans by the Commissioners of Public Works authorises the Treasury to borrow such money, or any part thereof, the Treasury may raise any sums (not exceeding the amount authorised by the said Act to be borrowed, and not exceeding in any one financial year the excess
 30 of the issues out of the Consolidated Fund under this Act during that year over the repayments to the Consolidated Fund during that year in respect of the principal of loans granted by the Commissioners of Public Works either before or after the passing of this Act,) in such one or more of the following methods as may be
 35 directed by the Act authorising the money to be borrowed, and subject to any such direction as may be deemed most convenient for the public service, namely, by the creation of *three pounds per centum* per annum permanent annuities, or of annuities for any term not exceeding *thirty years*, or by the issue of Exchequer
 40 bonds or Exchequer bills, or Treasury bills, or by otherwise borrowing the same (for a period not exceeding six months) on the credit

A.D. 1877. of the charge created by this Act on the Consolidated Fund, or by all of such means; and the sums so raised shall be placed to the credit of the account of Her Majesty's Exchequer, and form part of the Consolidated Fund.

The annuities created in pursuance of this section; and the 5 principal moneys borrowed in pursuance of this section (otherwise than by the issue of Exchequer bonds), and all interest from time to time due thereon, or on Exchequer bonds issued under this section (not exceeding the rate of *five per cent.* per annum), shall be charged upon and be payable out of the Consolidated Fund, or 10 out of the growing produce thereof, at such times in each year as may be fixed by the Treasury.

The principal of any Exchequer bonds issued under this section shall be paid out of moneys provided by Parliament.

The annuities, whether terminable or perpetual, shall be created 15 by warrant of the Treasury to the Bank of England, directing them to inscribe in their books the amount of such annuities in the names directed by the warrant.

The said annuities shall, in manner directed by the warrant, be consolidated in the said books, if terminable, with annuities payable 20 at the same date, and, if permanent, with annuities at the same rate of interest, and payable at the same date, and shall be transferable in the said books in like manner as the annuities with which they are consolidated, and shall be subject to the enactments relating to those annuities so far as is consistent with the tenor of those enactments. 25

Accounts
and audit.

14. Such accounts as the Treasury may from time to time direct of all moneys issued from or payable to the Consolidated Fund in pursuance of this Act during every financial year, and of all transactions during that year, relating to loans by the Commissioners of Public Works, including all sums due for the time being from any 30 person in respect of any loan granted either before or after the passing of this Act, by the Commissioners of Public Works or any authority whatever out of money issued in Ireland out of the Consolidated Fund, shall be kept by the Commissioners of Public Works, and such other persons (if any), and be audited by the 35 Comptroller and Auditor General in such manner as the Treasury may from time to time direct.

Repeal of
enactments
authorising
issues for
loans.

15. After the passing of this Act so much of any Act as authorises the issue of any money for the purpose of loans, which under this or any other Act are authorised to be made 40

by or through the Commissioners of Public Works is hereby repealed; A.D. 1877.
provided that,

(1.) This repeal shall be without prejudice to anything previously
done under any enactments hereby repealed; and

5 (2.) Nothing in this section shall apply to sums issued in pur-
suance of the Landlord and Tenant (Ireland) Act, 1870, 33 & 34 Vict.
or be deemed to repeal any portion of that Act. c. 46.

PART III.

Annual issue of Money for Loans by Commissioners of Public Works.

10 **16.** For the purpose of loans by the Commissioners of Public
Works any sum or sums not exceeding in the whole *seven hundred* Grant of
thousand pounds may be issued out of the Consolidated Fund of the 700,000*l.*
United Kingdom or the growing produce thereof in manner pro- for loan
vided by Part II. of this Act during the period ending on the during the
15 *thirtieth day of June one thousand eight hundred and seventy-* period
eight, or on any earlier day on which a further Act authorising the ending the
issue of money for those loans comes into operation. 30th of June
1878.

The Treasury may, in the manner and subject to the limitations
20 provided by Part II. of this Act, borrow the said sum or any part
thereof.

A.D. 1877.

FIRST SCHEDULE.

PART ONE.

Object of Loan.	Acts.	
Prisons (erection, &c.) - -	7 Geo. 4. c. 74. s. 17. 6 & 7 Will. 4. c. 116. s. 124.	5
Lunatic Asylums (erection of buildings) - - -	1 & 2 Geo. 4. c. 33. s. 4. 6 & 7 Will. 4. c. 116. s. 93. 8 & 9 Vict. c. 107. 18 & 19 Vict. c. 109. ss. 1-6.	10
Post Roads (repairs) - -	6 & 7 Will. 4. c. 116. ss. 61, 62.	
Harbours and piers (repairs) -	16 & 17 Vict. c. 136. ss. 11, 12.	
Navigations (repairs) - -	19 & 20 Vict. c. 62. ss. 29, 30.	

PART TWO.

Object of Loan.	Acts.	
Lunatic Asylums (opening and maintenance) - - -	6 Geo. 4. c. 54. 6 & 7 Will. 4. c. 116. s. 93.	15

SECOND SCHEDULE.

Objects of Advance.	Acts under which Advance was made.	Amount advanced.	Amount repaid.	Principal outstanding.	Account of Advance, and Reason for Remission.
<i>Dundalk</i> Endowed School.	53 Geo. 3. c. 107.	£ 276 18 5 s. d. 18 5	£ 27 13 10 s. d. 13 10	£ 249 4 7 s. d. 4 7	The advance to this school was made in 1815 on the faith of two private individuals standing surety for its repayment. In 1846, however, no trace could be found of the records of the recognizance which was supposed to have been entered.
<i>New Ross</i> Endowed School.	53 Geo. 3. c. 107.	253 16 11 s. d. 16 11	152 6 2 s. d. 6 2	101 10 9 s. d. 10 9	The endowments of this school are small, and the condition of the school is low.
<i>Dublin.</i> — Commissioners of Wide Streets.	40 Geo. 3. c. 60. 6 Geo. 4. c. 128.	226,728 17 6 s. d. 17 6	Nil.	226,728 17 6 s. d. 17 6	At the end of last century certain Commissioners were appointed to make the streets of Dublin wider and more convenient; and to assist these Commissioners in their work, a sum of 35,987 <i>l.</i> 1 <i>s.</i> 2 <i>d.</i> was advanced to them in 1800, on the condition that the money should be repaid with interest at 5 per cent. out of the coal duty vested in them. In 1825 a further advance was made to the Commissioners of 190,741 <i>l.</i> 16 <i>s.</i> 4 <i>d.</i> , which was likewise secured on the coal duty, but a rate of 3 per cent. only was charged as interest on both these advances. Though no principal was repaid, yet interest continued to be paid till the year 1832, when the duty on coal imported into Dublin was permitted to expire. No further payments have since been received in respect of this loan. The consequence is that the whole of the principal is outstanding, with arrears of interest since 1832. Thus, the assistance which was given ostensibly in the shape of a loan to the City

Objects of Advance.	Acts under which Advance was made.	Amount advanced.	Amount repaid.	Principal outstanding.	Account of Advance, and Reason for Remission.
<i>Dunleavy Harbour -</i>	56 Geo. 3. c. 62. 1 Geo. 4. c. 69.	£ 218,769 4 7 s. d.	£ 73,514 10 9 s. d.	£ 145,254 13 10 s. d.	of Dublin towards the improvement of its streets, assumed in reality the form of a subsidy. This loan was made on the security of the tolls and dues leviable under Acts of Parliament, and was to be repaid with interest at the rate of 5 per cent. The Act 1 Geo. 4. c. 26., however, diminished the security by putting an end to some of the coasting dues. This was followed by the trade between England and Ireland being declared a coasting trade, and later on by Act 24 & 25 Vict. c. 47.; the combined effect of which was that the dues imposed under the original Act of 1816 were entirely abolished, together with the passing tolls received by the Light Commissioners, which had been by 1 Geo. 4. c. 69. made applicable towards the repayment of the harbour advances. In this case, again, Parliament in getting rid of the tolls omitted to take into account the effect that their abolition would have upon the public money lent for the purposes of the harbour, and to make some other provision for the repayment of the debt.
<i>Cork.—For improvement of streets in.</i>	57 Geo. 3. c. 34.	£ 18,076 18 6 s. d.	£ 4,376 18 6 s. d.	£ 13,700 0 0 s. d.	This money was advanced in 1818 and 1827 on the security of the butter dues and certain premises. The butter dues, however, were abolished in 1829 by 10 Geo. 4. c. 100.; and the only remaining portion of the premises was sold under Treasury authority in 1851.

Objects of Advance.	Acts under which Advance was made.	Amount advanced.	Amount repaid.	Principal outstanding.	Account of Advance, and Reason for Remission.
<i>Plusey</i> .—To R. H. Maunsell for canal or mill-race at.	57 Geo. 3. c. 34.	£ s. d. 1,504 12 4	£ s. d. 591 12 6	£ s. d. 912 19 10	A heavily encumbered estate appears to have formed the security of this loan, which was made in 1824. The consequence was that, when the estate was sold ten years later, it did not realize sufficient to repay the debt.
<i>Co. Mayo</i> .—For improving the court-houses of Castlebar and Ballinasloe.	57 Geo. 3. c. 34.	2,699 0 0	2,581 17 4	117 2 8	This loan was made in 1822–3 on the faith of grand jury presentments. It would, doubtless, have been all recovered, had it not been that the balance which had been outstanding some years, together with arrears of interest, omitted to be included in the Schedule of the Act of 17 & 18 Vict. c. 110, which recited the debts of the county.
<i>Co. Kilkenny</i> .—For road from Castlecomer to Ballinakill-lard Causeway at Thomastown.	57 Geo. 3. c. 34.	2,115 9 9	1,950 0 5	165 9 4	The balance of this advance has not been paid, in consequence of a dispute with respect to certain arrears of interest which the grand jury declined to pay.
<i>Ardglass</i> .—For improvement of harbour at.	1 & 2 Will. 4. c. 33.	6,650 0 0	Nil.	6,650 0 0	This amount was advanced on the security of the tolls. In 1838 the harbour was totally destroyed, and consequently the tolls ceased to be levied.
Totals	-	477,074 18 0	83,194 19 6	393,879 18 6	
<i>Relief of Trade</i> .—					
Payment to Bank of Ireland of advances to various traders for, as follows:—	1 Geo. 4. c. 39. 3 Geo. 4. c. 118.				A sum of 286,000 <i>l.</i> was advanced by the Bank of Ireland for the relief of trade to different traders in the year 1821, with the guarantee of the Treasury for so much as was not repaid to the Bank by the borrowers. The Treasury thus became liable for a sum of 178,076 <i>l.</i> 7 <i>s.</i> 7 <i>d.</i> In the case of the loans to Sheahy, Moylan, Renayne, Delany, and
(1.) Various traders	-	101,541 0 3	101,541 0 3	—	
(2.) Sheahy -	-	500 0 0	479 19 7	20 0 5	

Objects of Advance.	Acts under which Advance was made.	Amount advanced.	Amount repaid.	Principal outstanding.	Account of Advance, and Reason for Remission.
Moylan - Renayne - Delany - Sausse - Nowlan and Shaw. (3.) Interest and other expenses paid to Bank of Ireland.	- - - - - - -	£ s. d. 3,500 0 0 4,000 0 0 500 0 0 20,000 0 0 30,000 0 0 18,085 7 4	£ s. d. 2,415 19 8 3,074 8 7 403 17 2 18,631 2 4 11,229 10 2 —	£ s. d. 1,084 0 4 925 11 5 96 2 10 1,368 17 8 18,770 9 10 18,035 7 4	Sausse, efforts have been made to recover the outstanding balances without success. In the case of Nowlan and Shaw proceedings have long been pending against Mr. Timothy Nowlan, in New South Wales, and a compromise has been effected by which it is proposed to remit the principal and interest due to the Government, upon the payment of a sum of 5,000 <i>l.</i> In the event of such payment not being made the debt is to be maintained, and proceedings taken for its recovery.
Add totals given above	-	178,076 7 7 477,074 18 0	137,775 17 9 83,194 19 6	40,300 9 10 398,879 18 6	
Grand total	-	655,151 5 7	220,970 17 3 5,000 0 0	434,180 8 4	
Add repayable by Nowlan	-	-	559 6 3	125,932 3 11	
<i>Suitors' Fund, Court of Exchequer.</i> — Compensation to officers.	6 & 7 Vict. c. 55. 13 & 14 Vict. c. 51.	126,491 10 2			This money was issued for the purpose of compensating officers of the Court of Exchequer whose emoluments were diminished by the first-mentioned Act, and was repayable out of the Suitors' Fund. A small sum only was repaid direct, but under 31 & 32 Vict. c. 88. the stock standing to the credit of the Fee Fund of the Courts of Chancery and Court of Exchequer was sold, and the proceeds of the sale, together with the cash standing to the account, amounting to 175,982 <i>l.</i> 15 <i>s.</i> 3 <i>d.</i> , were paid into the Exchequer. Consequently the debt may be considered to have been virtually paid, although not actually cancelled.

Public Works Loans (Ireland).

A

B I L L

To grant Money for the purposes of Loans by the Commissioners of Public Works in Ireland, and to remit certain Loans, and to amend the Law relating to Loans for public purposes by the Commissioners of Public Works in Ireland.

*(Prepared and brought in by
Mr. Raikes, Mr. W. H. Smith, and
Sir Michael Hicks Beach),*

*Ordered, by The House of Commons, to be Printed,
18 April 1877.*

[Bill 139.]

Under 3 oz.

A

B I L L

TO

Amend the Publicans' Certificates (Scotland) Act, 1876.

A.D. 1877.

WHEREAS it is expedient to amend the Publicans' Certificates (Scotland) Act, 1876: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Publicans' Certificates (Scotland) Act (1876), Amendment Act, 1877." Short title.

2. Subsection one of section seven of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the first subsection of the seventh section of the recited Act, and the recited Act shall be read and construed as if the first subsection of the seventh section thereof had been originally expressed in the following words, viz.:

15 The justices of the peace in quarter sessions assembled for each county, except the county of the city of Edinburgh, shall at the meeting of quarter sessions directed by law to be held in August of the year one thousand eight hundred and seventy-six, or at any adjournment thereof, and annually in every
20 subsequent year, except the year one thousand eight hundred and seventy-seven, during which year no such appointment shall be made, at the meeting of quarter sessions to be held in March, or any adjournment thereof, appoint from among themselves, for the purposes of this Act, a county licensing
25 committee, or they may appoint more than one such committee, and assign to any such committee such area of jurisdiction as they may think expedient.

[Bill 87.]

Subsection
one of section
seven of re-
cited Act
repealed.

A.D. 1877.

As to county
licensing
committees
already ap-
pointed.

3. Every county licensing committee already appointed under the provisions of the said Act shall continue in office until another such committee is appointed, in manner in the said Act provided, at the meeting of quarter sessions to be held in *March one thousand eight hundred and seventy-eight*, or any adjournment thereof.

Publicans' Certificates (Scotland).

A

B I L L

To amend the Publicans' Certificates
(Scotland) Act, 1876.

*(Prepared and brought in by
Dr. Cameron, Mr. Ramsay, and Mr. Mackintosh.)*

*Ordered, by The House of Commons, to be Printed,
14 February 1877.*

[Bill 87.]

Under 1 oz.

